110th Congress
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JOINT COMMITTEE PRINT

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2006

VOLUME II

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
US SENATE

AND THE

COMMITTEE ON FOREIGN AFFAIRS
US HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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

APRIL 2008

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

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FOREWORD

The country reports on human rights practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirements of section 505(c) of the Trade Act of 1974, as amended.

The reports cover the human rights practices of all nations that are members of the United Nations and a few that are not. They are printed to assist Members of Congress in the consideration of legislation, particularly foreign assistance legislation.

JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations.

HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs.

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, March 6, 2006.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on Foreign Relations.

DEAR MR. CHAIRMAN: On behalf of the Secretary of State, I am transmitting to you the *Country Reports on Human Rights Practices for 2006,* prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

We hope this report is helpful. Please let us know if we can provide any further information.

Sincerely,

JEFFREY T. BERGNER,
Assistant Secretary, Legislative Affairs.

Enclosure.

PREFACE

Human Rights Reports

Across the globe, men and women are pushing for greater personal and political freedom and for the adoption of democratic institutions. They are striving to secure what President Bush calls "the non-negotiable demands of human dignity."

Despite personal risk and against great odds, courageous individuals and nongovernmental groups expose human rights abuses. They seek to protect the rights of ethnic and religious minorities, workers, and women, and to stop the trafficking in human beings. They work to build vibrant civil societies, ensure free and fair elections, and establish accountable, law-based democracies.

These impatient patriots are redefining the limitations of what was previously thought to be possible. Indeed, in the span of a few generations freedom has spread across the developing world, communist dictatorships have collapsed, and new democracies have risen. The rights enshrined in the Universal Declaration of Human Rights are protected more fully and by more countries than ever before.

This noble work continues—but it is not yet complete and it faces determined opponents. Not surprisingly, those who feel threatened by democratic change resist those who advocate and act for reform. Over the past year, we have seen attempts to harass and intimidate human rights defenders and civil society organizations and to restrict or shut down their activities. Unjust laws have been wielded as political weapons against those with independent views. There also have been attempts to silence dissenting voices by extralegal means.

Whenever non-governmental organizations and other human rights defenders are under siege, freedom and democracy are undermined. The world's democracies must defend the defenders. That is one of the primary missions of our diplomacy today, and we hope that the Department of State's County Reports on Human Rights Practices for 2006 will help to further this effort. With these thoughts, I hereby submit these reports to the United States Congress.

CONDOLEEZZA RICE,
Secretary of State.

OVERVIEW AND ACKNOWLEDGMENTS

Human Rights Reports

WHY THE REPORTS ARE PREPARED

This report is submitted to the Congress by the Department of State in compliance with Sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (FAA),as amended. The law provides that the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate by February 25 "a full and complete report regarding the status of internationally recognized human rights, within the meaning of subsection (A) in countries that receive assistance under this part, and (B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act." We have also included reports on several countries that do not fall into the categories established by these statutes and that thus are not covered by the congressional requirement.

The responsibility of the United States to speak out on behalf of international human rights standards was formalized in the early 1970s. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. In 1994 the Congress created a position of Senior Advisor for Women's Rights. Congress has also written into law formal requirements that U.S. foreign and trade policy take into account countries' human rights and worker rights performance and that country reports be submitted to the Congress on an annual basis. The first reports, in 1977, covered only the 82 countries receiving U.S. aid; this year 196 reports are submitted.

HOW THE REPORTS ARE PREPARED

In 1993, the Secretary of State strengthened further the human rights efforts of our embassies. All sections in each embassy were asked to contribute information and to corroborate reports of human rights violations, and new efforts were made to link mission programming to the advancement of human rights and democracy. In 1994 the Bureau of Human Rights and Humanitarian Affairs was reorganized and renamed as the Bureau of Democracy, Human Rights and Labor, reflecting both a broader sweep and a more focused approach to the interlocking issues of human rights, worker rights and democracy. The 2006 Country Reports on Human Rights

Practices reflect a year of dedicated effort by hundreds of State Department, Foreign Service, and other U.S. Government employees.

Our embassies, which prepared the initial drafts of the reports, gathered information throughout the year from a variety of sources across the political spectrum, including government officials, jurists, armed forces sources, journalists, human rights monitors, academics, and labor activists. This information-gathering can be hazardous, and U.S. Foreign Service Officers regularly go to great lengths, under trying and sometimes dangerous conditions, to investigate reports of human rights abuse, monitor elections, and come to the aid of individuals at risk, such as political dissidents and human rights defenders whose rights are threatened by their governments.

After the embassies completed their drafts, the texts were sent to Washington for careful review by the Bureau of Democracy, Human Rights and Labor, in cooperation with other State Department offices. As they worked to corroborate, analyze, and edit the reports, Department officers drew on their own sources of information. These included reports provided by U.S. and other human rights groups, foreign government officials, representatives from the United Nations and other international and regional organizations and institutions, experts from academia, and the media. Officers also consulted with experts on worker rights, refugee issues, military and police topics, women's issues, and legal matters. The guiding principle was to ensure that all relevant information was assessed as objectively, thoroughly, and fairly as possible.

The reports in this volume will be used as a resource for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations. They also will serve as a basis for the U.S. Government's cooperation with private groups to promote the observance of internationally recognized human rights.

The Country Reports on Human Rights Practices cover internationally recognized individual, civil, political and worker rights, as set forth in the Universal Declaration of Human Rights. These rights include freedom from torture or other cruel, inhuman or degrading treatment or punishment, from prolonged detention without charges, from disappearance or clandestine detention, and from other flagrant violations of the right to life, liberty and the security of the person.

Universal human rights seek to incorporate respect for human dignity into the processes of government and law. All persons have the inalienable right to change their government by peaceful means and to enjoy basic freedoms, such as freedom of expression, association, assembly, movement, and religion, without discrimination on the basis of race, religion, national origin, or sex. The right to join a free trade union is a necessary condition of a free society and economy. Thus the reports assess key internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, the prohibition of forced or compulsory labor, the status of child labor practices, the minimum age for employment of children, and acceptable work conditions.

Within the Bureau of Democracy, Human Rights and Labor, the editorial staff of the Country Reports Team consists of: Editor-in-Chief—Stephen Eisenbraun; Office Directors—Bruce Connuck,

Nadia Tongour, and Francisco Palmieri; Senior Editors—Jonathan Bemis, Daniel Dolan, Stephen Eisenbraun, Jerome L. Hoganson, Sandra Murphy, Elizabeth Ramborger, and Julie Turner; Editors—Kulsum Ali, Joseph S. Barghout, Kate Berglund, Sarah Buckley, Laura Carey, Elise Carlson, Ryan J. Casteel, Cheryl Clayton, Sharon C. Cooke, Susan Corke, Stuart Crampton, Tamara Crouse, Frank B. Crump, Mollie Davis, Douglas B. Dearborn, Cortney Dell, Lauren DiSilvio, Joan Garner, Saba Ghori, Karen Gilbride, Elliott Gillerman, Lisa Heller, Victor Huser, Stan Ifshin, David T. Jones, Simone Joseph, Salman Khan, Anne Knight, Catherine Kuchta-Holbling, Lawrence Lesser, Jessica Lieberman, Gregory Maggio, Michael Michener, Jennie Munoz, Daniel L. Nadel, Catherine Newling, Emily Oswell, Peter Sawchyn, Amy Schmisseur, Patricia Meeks Schnell, Sonam Shah, Wendy Silverman, Melissa Sims, James Todd, Terry Tracy, Nicole Willett, Whitney Wilson, Suzanne Yountchi, and Robert Zuehlke; Contributing Editor—Lynne Davidson; Editorial Assistants—Elyse Bauer, Adrienne Bory, Karen Chen, Carol Finerty, Maureen Gaffney, Sylvia Hammond, Noel Hartley, Laura Jordan, David Perez, Lindsay Robinson, Nicole Bibbins Sedaca, Julie Short, Nora Vacariu, Emily Weaver, Eva Weigold, and Melike Yetken; Technical Support—Linda C. Hayes, Paul Skoczylas, and Tanika N. Willis.

INTRODUCTION TO THE COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR THE YEAR 2006

These reports describe the performance of governments in putting into practice their international commitments on human rights. These fundamental rights, reflected in the United Nations Universal Declaration of Human Rights, constitute what President Bush calls the "non-negotiable demands of human dignity." As Secretary Rice has said, the full promise of the UN Universal Declaration cannot be realized overnight, but it is urgent work that cannot be delayed.

The Universal Declaration calls upon "every individual and every organ of society . to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance."

The United States takes its human rights commitments seriously. We recognize that we are writing this report at a time when our own record, and actions we have taken to respond to the terrorist attacks against us, have been questioned. The United States will continue to respond forthrightly to the good faith concerns of others, including by means of the reports we submit periodically in accordance with our obligations under various human rights treaties to which we are a party. We are also committed to continual improvement. U.S. laws, policies, and practices governing the detention, treatment, and trial of terrorist suspects have evolved considerably over the last five years. Our democratic system of government is not infallible, but it is accountable—our robust civil society, our vibrant free media, our independent branches of government, and a well established rule of law work as correctives.

The congressionally mandated country reports on human rights practices that follow are an essential element of the United States' effort to promote respect for human rights worldwide. For three decades, these annual reports have been used widely here and abroad as a reference document for assessing the progress made and the challenges that remain. They also have served as a foundation for cooperative action among governments, organizations, and individuals seeking to end abuses and strengthen the capacity of countries to protect the fundamental rights of all.

The reports review each country's performance in 2006. Each report speaks for itself. Yet, broad patterns are discernible and are described below, supported by country-specific examples. The examples we cite are illustrative, not exhaustive.

HOPEFUL TRENDS, YET SOBERING REALITIES

As a review of these reports shows, across the globe in 2006, men and women continued to press for their rights to be respected and their governments to be responsive, for their voices to be heard and their votes to count, for just laws and justice for all. There also was a growing recognition that democracy is the form of government that can best meet the demands of citizens for dignity, liberty, and equality. These are hopeful trends indeed, yet the reports also reflect sobering realities:

First, the advances made in human rights and democracy were hard won and challenging to sustain. While some countries made significant progress, some lagged and others regressed.

As the range of examples below demonstrates, the performance of countries varied greatly, depending on factors such as the degree of governmental commitment, institutional capacity, the extent of corruption, and the strength of civil society.

In January 2006 Liberia's democratically elected Unity Party Government, led by Ellen Johnson-Sirleaf, the first female head of state in Africa, replaced the National Transitional Government of Liberia, which had served as the interim government since the end of a ruinous 14-year civil war in 2003. The Government took significant steps to correct past human rights deficiencies, including working with international partners to rehabilitate the country's justice sector and establishing a public defender's office in the capital. The president dismissed or suspended a number of corrupt government officials. The Truth and Reconciliation Commission, established in 2005 to investigate human rights violations and war crimes committed during the civil war, began taking statements from witnesses. Despite this progress, Liberia continued to face serious human rights challenges, including a still weak judiciary, official corruption and impunity, gender-based violence, and extreme poverty that led to child labor.

Substantial reductions in killings by the armed forces and the police in politically sensitive areas of Indonesia continued during the year. Fifty-four generally free and fair elections were held at the provincial, regency, district, and municipal levels, most notably in December in Aceh, where a former rebel field commander won the governorship. Although inter-communal religious violence generally abated, it nonetheless persisted in some areas. The Government and the courts were unable to confront past human rights abuses and atrocities both in Indonesia and in East Timor.

Morocco's human rights record showed notable progress, although problems remained. The Government began to address past human rights abuses by providing compensation through the Consultative Council on Human Rights for specific cases of arrest, disappearance, and abuse during the period between 1956 and 1999. In March the Government enacted an antitorture law, although reports of torture by various branches of the security forces persisted. There was extensive and largely open debate in public and in the press, despite continuing restrictions on freedom of the press and speech. During the year the Government punished some journalists who violated limitations on free speech, and many journalists practiced self-censorship. Trafficking in persons, particularly for sexual

exploitation, and child labor remained issues of concern; however, both the Government and civil society were increasingly active in addressing them.

The Democratic Republic of the Congo held its first democratic presidential and legislative elections in more than 45 years, putting an end to a three-year post-civil war transitional period. A new constitution went into force. Yet, the human rights record remained poor. In addition to simmering conflict in the east, where government control remained weak and armed groups continued to commit serious abuses, government security forces across the country also committed serious abuses with impunity.

In Haiti, citizens demonstrated their commitment to democracy by going to the polls three times in 2006. More than 3.5 million citizens registered to vote, and an impressive turnout estimated at more than 70 percent of registered voters participated in the first round of presidential and parliamentary elections in February. After a relatively stable and violence-free election process, voters selected President Rene Preval and filled 129 parliamentary seats. In December, Haiti held its first municipal elections in more than a decade. Yet much remains to be done to restore fully the rule of law, including an overhaul of Haiti's dysfunctional judicial system and the continued retraining and vetting of the Haitian National Police.

In Ukraine, notable post-Orange Revolution progress in human rights performance continued to be made. The March 2006 parliamentary elections were the freest in 15 years of independence. The country continued to make improvements in press freedom, freedom of association, and the development of civil society. Despite these gains, a number of serious problems remained, including corruption in all branches of government.

Although Kyrgyzstan's human rights record had improved considerably following the change to democratically elected leadership in 2005, during 2006 a week of mass yet peaceful protests culminated in the hasty adoption of an amended constitution that offered the possibility for genuine checks and balances. At the end of December, however, parliament passed another constitution negating many key checks and balances. The Government also harassed foreign-funded nongovernmental organizations (NGOs).

Despite President Musharraf's stated commitment to democratic transition and "enlightened moderation," Pakistan's human rights record continued to be poor. Restrictions remained on freedom of movement, expression, association, and religion. Disappearances of provincial activists and political opponents continued, especially in provinces experiencing internal turmoil and insurgencies. The security forces continued to commit extrajudicial killings. Arbitrary arrest and torture remained common. Corruption was pervasive throughout the Government and police forces. On a positive note, in December the National Assembly passed and President Musharraf signed the Women's Protection Bill—marking the first time in three decades that a Pakistan Government successfully rolled back laws detrimental to women's rights. The law amends the 1979 rape and adultery provision of the Hudood Ordinance by transferring the offense of rape from Pakistan Sharia law to the

Pakistan Penal Code. The law also eliminates the requirement for rape victims to present four male witnesses to press charges.

Though Egypt held a first-ever, multi-party presidential election in 2005, in 2006 public calls for greater democratization and accountability sometimes met with strong government reaction. The continued imprisonment of former presidential candidate Ayman Nour raised serious concerns about the path of political reform and democracy in the country. Continuing a trend begun in 2005, the Government arrested and detained hundreds of activists affiliated with the banned-but-tolerated Muslim Brotherhood, generally for periods lasting several weeks. Two senior judges were brought in for questioning in February for publicly calling for an independent judiciary. Egyptian police arrested and detained over 500 activists for participating in demonstrations in support of judicial independence. In addition, severe cases of torture by authorities were documented. The Government also arrested, detained, and abused several Internet bloggers.

In Kazakhstan, the Government restricted the functioning of the political opposition by enforcing onerous registration requirements and hindering or denying political party registration. The merging of progovernment parties consolidated the firm leadership of President Nazarbayev's Otan Party and left less political space to express alternative views and advocate for reform. The Government harassed the political opposition via politically motivated charges and restrictions on freedom of assembly, passed laws restricting press freedom, and harassed NGOs.

Russia experienced continuing centralization of power in the executive branch, including amendments to election laws and new legislation for political parties that grants the Government broad powers to regulate, investigate, limit, and even close down parties. Taken together with a compliant State Duma, corruption and selectivity in law enforcement, political pressure on the judiciary, and restrictions on the NGOs and the media, these trends resulted in the further erosion of government accountability. In Chechnya and other areas of the North Caucasus, serious human rights violations continued, including unlawful killings and abuses of civilians by both federal and Chechen Republic security forces. Rebel fighters committed terrorist bombings and politically motivated disappearances in the region. In a growing number of cases, the European Court of Human Rights held Russia responsible for these abuses.

In Venezuela, the Chavez Government continued to consolidate power in the executive branch. The Government continued to harass the opposition and NGOs and to weaken judicial independence. International observers judged generally free and fair the December presidential elections, in which President Chavez won re-election with 63 percent of the vote. In his inaugural address, President Chavez asked the National Assembly, in which his parties control 100 percent of the seats, to grant him power to rule by executive decree.

In Fiji and Thailand, militaries overthrew democratically elected governments.

A second sobering reality is that insecurity due to internal and/or cross-border conflict can threaten or thwart advancements in human rights and democratic government.

Despite the Iraqi Government's continuing commitment to foster national reconciliation and reconstruction, keep to an electoral course, and establish the rule of law, both deepening sectarian violence and acts of terrorism seriously undercut human rights and democratic progress during 2006. Although the Iraqi constitution and law provide a strong framework for the protection of human rights, armed groups attacked human rights from two different directions: those proclaiming their hostility to the Government—Al-Qa'ida terrorists, irreconcilable remnants of the Ba'athist regime, and insurgents waging guerrilla warfare; and members of Shi'a militias and individual ministries' security forces—nominally allied with the Government—who committed torture and other abuses.

Although Afghanistan made important human rights progress since the fall of the Taliban in 2001, its human rights record remained poor. This was mainly due to weak central institutions and a deadly insurgency: the Taliban, Al-Qa'ida, and other extremist groups stepped up attacks against government officials, security forces, NGOs and other aid personnel, and unarmed civilians; and the number of suicide bombings rose dramatically during the year, as did attacks on schools and teachers. There were continued reports of cases of arbitrary arrests and detention, extrajudicial killings, torture, and poor prison conditions. In December President Karzai launched a Transitional Justice Action Plan designed to address past violations of human rights and improve the institutional capacity of the justice system.

Lebanon's significant steps toward reform following the 2005 assassination of former Prime Minister Rafiq Hariri and the subsequent withdrawal of Syrian troops after nearly three decades of occupation have been hampered since the July-August 2006 conflict between Hizballah and Israel. Before the conflict, the Lebanese Government had started to remove many of the obstacles that barred political associations and parties. After Hizballah entered Israel from Lebanese territory and kidnapped and killed several Israeli soldiers, Israeli military forces responded by entering Lebanese territory. The conflict ended with an UN-sponsored cessation of hostilities. Despite the cessation of hostilities and the deployment of the Lebanon Armed Forces and UN Interim Forces in the south, Lebanese militias and Hizballah retained significant influence over parts of the country.

In East Timor, a series of deadly clashes between the national defense force and a variety of dissident military, police, and civilian forces led to widespread mob and gang violence in the capital. At the request of the Government, forces from Australia, New Zealand, Malaysia, and Portugal assumed responsibility for security in the capital. On August 25, the UN Integrated Mission for East Timor took over policing responsibilities. This internal conflict resulted in the displacement of approximately 150,000 people, more than 15 percent of the country's population.

Third, despite gains for human rights and democratic principles in every region of the world, much of humanity still lives in fear yet dreams of freedom.

Countries in which power remained concentrated in the hands of unaccountable rulers—whether totalitarian or authoritarian—continued to be the world's most systematic human rights violators.

In 2006 North Korea remained one of the world's most isolated and repressive regimes. The regime controls almost all aspects of citizens' lives, denying freedom of speech, press, assembly, and association, and restricts freedom of movement and worker rights. The constitution provides for "freedom of religious belief," but genuine religious freedom does not exist. An estimated 150,000 to 200,000 people, including political prisoners, were held in detention camps, and many prisoners died from torture, starvation, disease, and exposure.

The military Government in Burma extensively used executions, rape, torture, arbitrary detention, and forced relocation of entire villages, particularly of ethnic minorities, to maintain its grip on power. Prisoners and detainees were subjected to abuse and held in harsh, life-threatening conditions. Surveillance, harassment, and imprisonment of political activists continued; Nobel Laureate and opposition leader Aung San Suu Kyi remained incommunicado under house arrest, and over 1,100 political prisoners languished in prison. The use of forced labor, trafficking in persons, conscription of child soldiers, and religious discrimination remained widespread. The Government reconvened the sham National Convention, handpicking delegates and prohibiting free debate. Touted as part of a "democracy road map," the convention was designed to nullify the results of the 1990 election and adopt a new, regime-friendly constitution. The regime's cruel and destructive misrule also resulted in refugee outflows, the spread of infectious diseases, and the trafficking of drugs and human beings into neighboring countries.

The Iranian Government flagrantly violated freedom of speech and assembly, intensifying its crackdown against dissidents, journalists, and reformers—a crackdown characterized by arbitrary arrests and detentions, torture, disappearances, the use of excessive force, and the widespread denial of fair public trials. The Government continued to detain and abuse Baha'is and other religious minorities and hosted a widely condemned conference denying the existence of the Holocaust. In the lead-up to the December 15 Assembly of Experts elections in Iran, more than two-thirds of those who had applied to run—including all female candidates—were disqualified, leaving many seats uncontested. Hundreds of candidates in nationwide municipal elections also were disqualified. The Government continued to flout domestic and international calls for responsible government in 2006 by supporting terrorist movements in Syria and Lebanon as well as calling for the destruction of a UN member state.

In Zimbabwe, the Mugabe Government continued across-the-board violations of human rights. Official corruption and impunity were widespread. The 2002 Official Secrets Act and Public Order and Security Act remained in effect, severely restricting civil liberties. In the 2006 parliamentary by-elections and rural district council elections, the Government's manipulation of the electoral process disenfranchised voters and skewed elections in favor of ruling party candidates. The ruling party's dominance permitted constitutional changes without wide consultation. Security forces harassed, beat, and arbitrarily arrested critics and opposition supporters. Disruptions at farms and seizures of property continued

and were sometimes violent. The campaign of forced evictions, which left 700,000 people homeless during Operation Restore Order in 2005, continued on a lesser scale. The Government interfered with humanitarian organizations' efforts to provide assistance. In December Mugabe and his loyalists proposed extending his term for two years by deferring presidential elections to 2010.

In Cuba, the Government, temporarily headed by Raul Castro due to Fidel Castro's illness, continued to violate virtually all the rights of its citizens, including the fundamental right to change their Government peacefully or criticize the revolution or its leaders. In 2006 the Government increased its harassment of dissidents and other citizens viewed as threats to the Government, often through mob actions called "acts of repudiation" involving verbal abuse and physical attacks. Beatings and abuse of detainees and prisoners also were carried out with impunity. Although token releases of prisoners occurred during the year, at least 283 political prisoners and detainees were held at year's end, including 59 of 75 prodemocracy and human rights activists imprisoned in a March 2003 crackdown.

The Chinese Government's human rights record deteriorated in some areas in 2006. There was an increased number of high-profile cases involving the monitoring, harassment, detention, and imprisonment of political and religious activists, journalists, and writers as well as defense lawyers seeking to exercise their rights under the law. Some of their family members also were harassed and detained. Large numbers of mass demonstrations and protests calling for redress of grievances continued and in some cases were violently suppressed. New government controls were imposed on: NGOs; the media, including the Internet; and courts and judges. Repression of unregistered religious groups and of minority groups, in particular Uighurs and Tibetans, remained a serious concern.

In Belarus, the Lukashenko Government continued and intensified its repressive policies. The March presidential election was severely flawed. Up to 1,000 people were arrested in an ensuing crackdown on public protests against the results and many were sentenced to short jail terms. More activists and opposition members, including Aleksander Kozulin, who ran against Lukashenko in the presidential race, were sentenced to jail terms ranging from 2 to 5 ° years.

The Eritrean Government continued to be one of the most repressive in Sub-Saharan Africa, and its human rights record worsened in 2006. Government security forces committed extrajudicial killings; there were credible reports that security forces shot on sight individuals trying to cross the border into Ethiopia. The Government escalated its campaign of arresting national service evaders as well as their relatives, and there also were credible reports indicating that some of those arrested were tortured. As it did in 2005, the Government ordered several international humanitarian NGOs to leave the country, despite a severe drought in the Horn of Africa. There were continued severe restrictions on religious freedom.

The fourth sobering reality is that as the worldwide push for greater personal and political freedom grows stronger, it is being

met with increasing resistance from those who feel threatened by political and societal change.

Human rights defenders and nongovernmental organizations are essential to a nation's success. In today's world, the problems confronting states are too complex even for the most powerful to tackle alone. The contributions of civil society and the free flow of ideas and information are crucial in addressing a host of domestic and international challenges. Restricting the political space of NGOs and public debate only limits a society's own growth.

In every region of the globe in 2006, there were governments that responded to the growing demands for personal and political freedom not by accepting their obligations to their people but by oppressing those who advocated for human rights and who exposed abuses, such as nongovernmental organizations and independent media, including the Internet. A disturbing number of countries passed or selectively applied laws and regulations against NGOs and journalists. NGOs and journalists also were subjected to extralegal measures, often by unknown assailants. For example:

In Russia in 2006, a new NGO law entered into force in April imposing more stringent registration requirements for NGOs, strict monitoring of organizations, extensive and onerous reporting requirements on programming and activities, and empowering the Federal Registration Service to deny registration or to shut down an organization based on vague and subjective criteria. Freedom of expression and media independence declined due to government pressure and restrictions. In October unknown persons murdered human rights defender Anna Politkovskaya, a prominent journalist known for her critical writing on human rights abuses in Chechnya. The Government used its controlling ownership of all national television and radio stations, as well as of the majority of influential regional ones, to restrict access to information deemed sensitive.

In Belarus, onerous tax inspections and NGO registration requirements made it difficult for civil society organizations to operate, and attacks against members of the independent media continued. In November prodemocracy activist Dmitriy Dashkevich was sentenced to 18 months in prison for operating an unregistered NGO.

The Government of Kazakhstan registered the opposition True Ak Zhol party after one of its co-chairmen, Sarsenbaiuly, was killed and restrictively interpreted Article 5 of the constitution to suspend foreign-funded, nonpartisan political party training activities, asserting that providing information is tantamount to financing political parties. In July President Nazarbayev signed into law restrictive media amendments deemed a step backward by the Organization for Security and Cooperation in Europe's Freedom of Media Representative. The Government continued to use restrictive libel laws to fine, convict, and suspend media outlets, journalists, and critics. In April a member of a suspended media outlet was brutally beaten.

Freedom of expression, association and assembly are tightly restricted in Turkmenistan, and the Government sought to control all NGO activity. Foreign-origin satellite television is accessible throughout the country, but the Government controlled all domes-

tic media, and local journalists were prohibited from all contact with foreigners unless specifically permitted. Very limited Internet access was provided through government-owned Turkmen Telecom; no new accounts were allowed in the capital since September 2002. In August the Government arrested journalists Ogulspapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev and sentenced them to six to seven years of imprisonment for weapons possession in a closed, summary trial. In September Myradova, a Radio Free Europe/Radio Liberty correspondent, died in prison under suspicious circumstances. NGOs have reported that she and her two colleagues were tortured during detention in the summer to extract confessions of weapons possession. OnDecember 21, President Saparmurat Niyazov died.

The Government of Uzbekistan sought to control most NGO activity and closed down over 200 civil society organizations, including international NGOs operating in the country, citing alleged violations of the law. Independent journalists and human rights activists continued to be persecuted.

The Syrian Government strictly controlled the dissemination of information and prohibited criticism of the Government and discussion of sectarian issues, including religious and minority rights. There were detentions and beatings for individual expressions of opinion that violated these restrictions, for example the February arrest of journalist Adel Mahfouz after he called for interfaith dialogue following the controversy surrounding the depiction of the Prophet Muhammed in cartoons. The Government relied on its press and publication laws, the penal code, and the Emergency Law to censor access to the Internet, and it restricted electronic media. Harassment of domestic human rights activists also occurred, including regular close surveillance and the imposition of travel bans when they sought to attend workshops and conferences outside the country.

Press freedom was at an all-time low in Iran, as the Government closed independent newspapers Shargh and Iran, blocked access to Internet news sites—including the New York Times and BBC Farsi—and jailed journalists and bloggers. The authorities used bans against leaving the country as a weapon against journalists.

In Burundi, there was an increase in the arrest, detention, and intimidation of journalists and human rights activists by the Government; among many other individuals, police arrested and detained for several months the president of the country's leading anticorruption NGO. A governor of one province reportedly called the country's leading human rights NGO, League Iteka, an enemy of peace, and in November a government official announced that 32 registered international NGOs in the country could face expulsion for failure to submit mandatory annual reports to the Government.

In Rwanda, there was a restrictive atmosphere for the functioning of civil society. Domestic and international NGOs are required by law to register each year and to provide reports to the Government on their activities. Authorities reportedly required some NGOs to obtain government authorization for some projects before being allowed to access international donor funds. In addition, all NGOs were expected to join a collective intended to manage their activities.

The Venezuelan Government continued to harass and intimidate civil society groups, most notably the leaders of the electoral watchdog NGO Sumate, whose trial for conspiracy and treason for accepting a foreign grant was indefinitely postponed but continues to hang over their heads. At year's end a draft law was under consideration in the National Assembly which, if implemented, would increase government control over NGOs' financing and restrict NGOs from working in the areas of human rights or democracy promotion. Amendments to the penal code that impose prison sentences for insulting public officials and violent attacks on journalists contributed to a climate of self-censorship. The Government stepped up its harassment of independent and opposition news outlets. In December President Chavez announced that the Government would not renew the broadcast license of Radio Caracas Television, the country's oldest commercial television network. The Government accused the network owners of being "coup-mongers" and of violating the public trust.

In China, NGOs, both domestic and international, continued to face increased scrutiny and restrictions. By the end of 2006, Reporters without Borders reported that 31 journalists and 52 Internet writers were in jail. While the Government encouraged use of the Internet, it also took steps to monitor its use, control content, restrict information, and punish those who violated regulations. The Government imposed stricter website registration requirements, enhanced official control of online content, and expanded the definition of illegal online content. The Government consistently blocked access to sites it deemed controversial, and the authorities reportedly began to employ more sophisticated technology enabling the selective blocking of specific content rather than entire websites.

Vietnam continued to monitor and restrict the Internet, blocking international human rights and news websites. Laws allow citizens to complain openly about inefficient government and corruption, but the Government continued to prohibit the press from drafting articles that questioned the role of the Communist Party, promoted pluralism or multiparty democracy, or questioned human rights policy. The Government forbids direct access to the Internet through Independent Service Providers and requires cybercafe owners to register the personal information of their customers and the sites visited. The Government released several high-profile political and religious dissidents, including Dr. Pham Hong Son, who was imprisoned for translating articles on democracy and disseminating them over the Internet.

Genocide was the most sobering reality of all.

Almost 60 years after the adoption of the UN Universal Declaration of Human Rights—an expression of the outraged conscience of mankind to the enormity of the Holocaust and the cataclysm of the Second World War—genocide continued to ravage the Darfur region of Sudan.

Despite the January 2005 Comprehensive Peace Agreement ending the 22-year civil war between the north and south, and the establishment of a unity government that year, ethnic conflict continued in Sudan, most catastrophically in Darfur. The Sudanese Government and government-backed Janjaweed militia bear responsi-

bility for the genocide in Darfur, and all parties to the conflagration committed serious abuses, including the widespread killing of civilians, rape as a tool of war, systematic torture, robbery, and recruitment of child soldiers. By the end of 2006, the Darfur conflict had resulted in at least 200,000 civilian deaths and two million displaced by the fighting. Over 234,000 refugees had fled to neighboring Chad, and both Chad and the Central African Republic experienced violent ethnic conflict along their borders with Sudan.

In spite of indicating its support for the Addis Ababa framework, the Sudanese Government publicly rejected international forces for Darfur and renewed its military offensive during the latter half of 2006. The deteriorating security conditions forced some international NGOs and humanitarian organizations to scale back or suspend operations.

DEFEND THE DEFENDERS

If the great promise of the UN Universal Declaration of Human Rights is to be fulfilled, the international community—and especially the world's democracies—cannot accept that today's sobering realities are impervious to change. Indeed, they compel us to align ourselves with those who work for human dignity and political reform.

In 2006 the courageous efforts of human rights defenders were highlighted by democratic governments:

Country resolutions passed by the United Nations General Assembly in 2006 emphasized the need to protect human rights defenders in Iran, Belarus, North Korea, and Burma.

The UN Democracy Fund, growing out of an idea presented to the General Assembly by President Bush in 2004 and established in 2005, completed its first year successfully. Its board agreed to fund 125 projects out of more than 1,300 proposals submitted by over 100 countries—a disbursal of more than $35 million in grants mostly to prodemocracy civil society organizations.

At the regional level, in June 2006 the General Assembly of the Organization of American States (OAS) adopted the Declaration of Santo Domingo, a groundbreaking multilateral commitment by the countries of the region to "guarantee the liberty of every person to enjoy freedom of expression, including access to uncensored political debate and the free exchange of ideas through all forms of mass media, including the Internet." The Foreign Ministers also declared their resolve to develop and encourage strategies and best practices to that effect.

The OAS Inter-American Commission on Human Rights' Unit for Human Rights Defenders issued a report on the serious problems they face in some countries, emphasizing the need for governments to support their work.

In advance of the July African Union Assembly of the Heads of State, civil society organizations from 19 African countries met in Banjul, The Gambia, to develop recommendations for summit leaders regarding civil society's role in the African Peer Review Mechanism on countries' compliance with treaty obligations, ways to improve access to information by civil society, and citizenship laws that entrench discrimination. These recommendations were adopted at the summit.

In the Broader Middle East and North Africa region the Forum for the Future brought together government officials and civil society representatives from the region, along with G–8 partners, at the Dead Sea in Jordan. Nearly 50 civil society leaders representing hundreds of organizations from 16 countries of the region participated in discussions on the rule of law, transparency, women's and youth empowerment, and the legal environment for civil society organizations. They also discussed how to strengthen reform by establishing mechanisms to follow up on recommendations. Though the hardest part lies ahead—adoption and implementation of recommendations put forward by civil society—the Forum helped to open political space that did not before exist for civil society organizations to form and interact with governments in the region.

Marking International Human Rights Day in December 2006, Secretary Rice launched two important U.S. initiatives in support of human rights and democracy defenders:

She announced the creation of a Human Rights Defenders Fund to be administered by the State Department that will quickly disburse small grants to help human rights defenders facing extraordinary needs as a result of government repression. This funding could go to cover legal defense, medical costs, or the pressing needs of activists' families.

Secretary Rice also issued ten guiding NGO principles (http://www.state.gov/g/drl/rls/77771.htm) regarding the treatment by governments of nongovernmental organizations. These core principles will guide U.S. treatment of NGOs, and we also will use them to assess the actions of other governments. The principles are meant to complement lengthier, more detailed United Nations and other international documents addressing human rights defenders and can help to rally worldwide support for embattled NGOs by serving as a handy resource for governments, international organizations, civil society groups, and journalists.

When democracies support the work of human rights advocates and civil society organizations, we are helping men and women in countries across the globe shape their own destinies in freedom. And by so doing, we are helping to build a safer, better world for all.

We must defend the defenders, for they are the agents of peaceful, democratic change.

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 five-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 after competing against five other candidates in a generally transparent election in which the military remained neutral. 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.

The Government continued to fail to account for thousands of persons who disappeared in detention during the 1990s. Other significant human rights problems included 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 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.

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, according to the Ministry of the Interior (MOI) and press releases, the total number of terrorist, civilian, and security force deaths declined to 323 (compared to 488 in 2005, 429 in 2004, and 1,162 in 2003). Of these, the Government stated that terrorists killed 54 civilians (76 in 2005) and 90 security force members (177 in 2005); security forces killed an estimated 179 suspected terrorists (235 in 2005).

Terrorists targeted civilians, security forces, and infrastructure. Press reports estimated that 135 civilians and 174 members of the security forces were killed in terrorist attacks, most of which were attributed to the Salafist Group for Preaching and Combat (GSPC).

Revenge, banditry, and land ownership disputes—not terrorism—prompted some killings. In February Ali Tounsi, head of the national police, stated that terrorism in the country had been nearly eliminated and that some violence was the result of organized crime, not terrorism. Most of the violence occurred in mountainous and rural areas. For the first time in more than two years, there were terrorist attacks in the capital. On October 19, an improvised explosive device (IED) exploded outside a military barracks in the Algiers suburb of El-Harrach, wounding six, and on October 30 two bombs killed two persons approximately 20 kilometers (12.4 miles) from downtown Algiers. On December 10, a shuttle bus carrying 20 expatriate workers of a Western oil services company was attacked in a suburban area of Algiers near residences of senior government officials and a major hotel. Two men on the bus were killed.

In a March press conference, former Prime Minister Ouyahia officially stated that the total death toll of the 1998 Ramka massacre committed by terrorists in the province of Relizane had been 1,000, not 150, as previously stated by the Government.

b. Disappearance.—In June, according to local and international NGOs, three individuals disappeared but later reappeared in court on October 9 and were charged with belonging to a terrorist group (see section 1.d.). It was not known when the individuals were formally placed in pretrial detention. In November, according to

the Algerian League for the Defense of Human Rights (LADDH), an individual disappeared and remained missing at year's end.

For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Most of the thousands of disappearances in the mid–1990s, many of which have been attributed to the security forces, remain unresolved. The Government has not prosecuted any security force personnel, and there is no evidence that the Government investigated any of the 5,200 cases that it acknowledged were caused by security forces. According to some local NGOs, the Government has refused to investigate cases to avoid the possibility of criminal charges against security forces or other government officials. Courts have therefore refused to consider cases where a family member, as a single eyewitness to an abduction, identified specific policemen as the abductors.

Press reports indicated that the GSPC kidnapped approximately 55 civilians during the year.

The total number of disappeared during the 1990s continued to be debated. During the year, the Government estimated that 6,546 persons were missing or disappeared as a result of government actions between 1992 and 1999, with some 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 September 2005 voters approved by referendum President Bouteflika's proposed Charter for Peace and National Reconciliation, which ended the Ad Hoc Mechanism that was established in 2003 to account for the disappeared. According to official results, 80 percent of registered voters participated, and 97 percent of the participating voters approved the charter. The charter went into effect on March 8, granting amnesty to units of the National Popular Army, the security forces, and persons who helped fight against extremists, as well as to certain persons involved in terrorist activities. To qualify for amnesty, individuals engaged in terrorism had to cease their 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. NGOs criticized the amnesty as a blanket for the security services. Many imprisoned terrorists were also given amnesty.

Families of the disappeared experienced complications and delays in receiving compensation from the Government. At year's end, it remained unclear how many families had applied for or received compensation.

Local and international NGOs complained that the charter's blanket amnesty for security forces did not hold state agents sufficiently responsible for acts of violence they may have committed. Some local NGOs criticized the charter for enabling terrorists to escape justice for crimes they committed against civilians.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the constitution and Legal Code prohibit torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports from Algeria Watch in March and Amnesty International (AI) in April that government officials employed such practices. According to the Algerian League for the Defense of Human Rights, security forces frequently used torture, including to obtain confessions.

The Penal Code criminalizes torture; government agents can face prison sentences for up to three years for committing such acts. However, impunity remained a problem (see section 1.d.).

Human rights lawyers maintained that torture continued to occur in military prisons, more often against those arrested on "security grounds." However, they believed that the frequency and severity of torture declined during the year, due in part to better training of the security forces and alternative intelligence-gathering techniques. In July AI published a report on torture by the secret military police, concluding that the security forces were still benefiting from impunity. In May 2005 AI reported that the "chiffon" method—stuffing a rag into a person's mouth while forcing contaminated liquids into the stomach until the person vomited—was the preferred method of torture because it left no physical traces of assault.

In April police detained Mourad M'hamed, a journalist at the daily newspaper El-Khabar. Police shoved and, according to the newspaper, subjected him to "heavy psychological pressure" for several hours because he had published a document concerning the terrorist group GSPC, an act viewed as a threat to national security. In July he was tried for releasing information on national security to the public and acquitted (see section 2.a.).

In 2004, seven gendarmes were imprisoned in a military detention facility in Blida awaiting trial on charges of torture and maltreatment. At year's end, there was no information on their status.

Prison and Detention Center Conditions.—According to the UN Development Program (UNDP), prison conditions were difficult but improving. The Government permitted the International Committee of the Red Cross (ICRC), the UNDP and the Red Crescent Society to visit regular, non-military prisons. The ICRC declined to report its findings. The Government denied independent human rights observers visits to military and high-security prisons and detention centers.

There were approximately 51,000 inmates in 127 prisons. Overcrowding was a problem in some prisons. The quality of medical care was uneven, according to international observers, and depended upon the prison. In 2005 there were hunger strikes in several prisons to protest conditions and the length of pretrial detentions, but reports of such strikes diminished sharply during the year. Independent human rights observers reported that conditions in prisons generally improved during the year. According to press reports, the justice minister ordered an investigation into prison conditions as a result of prisoner complaints. Also according to press reports, the Government fired prison guards at two prisons and reshuffled administrations at 18 prisons.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention. As in previous years, the security forces arbitrarily arrested and detained citizens; however, LADDH and the Algerian Human Rights League (LADH) reported that such abuses occurred with decreasing frequency. In 2005, the head of the National Consultative Commission for the Protection and Promotion of Human Rights (CNCPPDH) said that pretrial detention, although defined as an exceptional measure by Article 123 of the Penal Procedure Code, was overused.

Role of the Police and Security Apparatus.—The General Directorate for National Security (DGSN), or the national police force, falls under the control of the Ministry of Interior and has national jurisdiction. The Gendarmerie, under the Ministry of Defense, also perform police-like functions outside urban areas. Police were generally effective at maintaining order throughout the country. Low levels of corruption existed, especially in the customs police.

Impunity remained a problem. The Government did not provide disaggregated public information on the numbers, infractions, or punishments of police, military, or other security force personnel. 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. In January 2005, all security forces were provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses.

In March the DGSN director stated that as part of a national police internal crackdown on malfeasance, several DGSN officials had been arrested for embezzlement, use of public money for personal gain, and cronyism. In April the Judicial Police (the main body of the DGSN) brought official legal action against 10 police officers. Results had not been made public by year's end.

In March the Gendarmerie officially announced that 4,200 gendarmes had been dismissed between 2000 and 2005 for lack of discipline and abuse of power.

Arrest and Detention.—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. In practice, the security forces generally adhered to the 48-hour limit in non-terrorism cases. However, defense lawyers asserted that 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 accused of acts against the security of the state, including terrorism, may be held in pretrial detention as long as 20 months, according to the Code of Penal Procedure; the prosecutor must show cause every four months for continuing pretrial detention.

Judges rarely refused prosecutor requests for extending preventive detention. Detention can be appealed to a higher court but is 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. Detainees generally had prompt access to a lawyer of their choice and, if indigent, were provided a lawyer by the Government.

There is no system of bail, but in non-felony 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.

Article 23 of 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. There continued to be frequent reports during the year that these rights were not extended to detainees.

In June, 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. On October 9, the three appeared before a judge and were charged with belonging to a terrorist group operating in Algeria and abroad. According to NGO SOS Disparus, at year's end the three were in detention and their trials were pending (see section 1.b.).

Local prosecutors are required to grade the performance of police captains operating in their jurisdiction to ensure that they comply with the law in their treatment of suspects. Police captains subsequently grade their officers.

Amnesty.—In May and July, President Bouteflika pardoned 200 journalists who had been convicted of defamation, including those serving sentences. However, journalists involved in ongoing prosecutions for defamation were ineligible for pardons.

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. Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases.

In February 2005, the Superior Council of Judges permanently dismissed and disbarred Judge Mohamed Ras El Ain at a disciplinary hearing that did not afford full due process. Human rights lawyers and local and international press reported that he 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.

The judiciary is composed of civil courts, which hear cases involving civilians facing charges not related to security or terrorism; and the military courts, which can also hear cases involving civilians facing security and terrorism charges. Regular criminal courts can try cases involving security-related offenses at the local level.

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 to appear. Public attendance at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. The military tribunals tried cases in 2005 and during the year, but the tribunals did not disclose information on proceedings.

The nine-member Constitutional Council reviews 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.

Most trials are public and non-jury. 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 also have the right to appeal. A woman's testimony is equal to that of a man's.

In August 2005, the Government began a program designed to eliminate judicial corruption. A National Council of Magistrates met twice (and twice in 2005) to take disciplinary measures, resulting in the investigation of more than 40 magistrates. In December, 12 judges went before the council for abuse of power, lack of reserve, and unethical relationships. The results of the investigations had not been made public at year's end.

In September 2005, Justice Minister Tayeb Belaiz publicly announced that 60 magistrates had been fired because of "reprehensible acts." In the same month, 21 magistrates appeared before the High Council of Magistrates for disciplinary sanctions, which ranged from expulsion to transfers. Eight were fired and 23 were demoted.

Political Prisoners and Detainees.—There were reports of political prisoners and political detainees. On January 21, Bachir Larabi, correspondent for the Arabic-language newspaper El-Khabar in the western region of El-Bayadh, was imprisoned for defamation for an article published on December 9, 2003, incriminating local authorities and a local association in the failed construction of a nursing home. On February 22, he was released. Salah Mokhtari, from the Arabic-language newspaper Djazair News, was arrested on December 18 and released on December 26. Four arrest warrants were issued for Mokhtari between 2004 and 2005 for articles published in the weekly newspaper El-Kawalis, where he worked. In previous years, journalists were detained without charge for lengthy periods before trial for defamation against government officials.

Civil Judicial Procedures and Remedies.—The judiciary was not fully independent and impartial in civil matters. Favoritism can occur, depending on the family connections and status of the parties involved. Individuals may bring lawsuits seeking damages for human rights violations and be compensated 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 (see section 4).

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.

Individuals generally were able to criticize the Government privately without reprisal. However, citizens were less inclined to criticize the Government in public. 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 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, and in some instances the Government targeted specific media organizations and their staff.

Radio and television are government-owned, with coverage favorable to government policy. During the year, opposition spokesmen were generally denied access to the public radio or television. Television access continued to be severely limited for some opposition parties. These limitations were less evident for radio. Presidential candidates received equal amounts of time on the state-owned radio and television channels during the three-week official campaign season prior to the 2004 elections.

The country's non-state-owned print media consisted of more than 43 daily, 60 weekly, and 17 monthly publications that supported or opposed the Government to varying degrees; only six newspapers' circulation exceeded 10,000 copies. The Government owned two French-language and two 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 communiques.

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.

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 $675 to $6,750 (50,000 to 500,000 dinars).

In January the regional correspondent of the daily newspaper El-Khabar, Bachir El-Larabi, was sentenced to a month's imprisonment for defamation. In the same

case, Ali Djerri, director of the newspaper, was fined $700 (50,000 dinars). El-Larabi was released in February.

On December 25, a court in Jijel sentenced Omar Belhouchet, editor-in-chief of the French-language daily El-Watan, and columnist Chawki Amari to three months in prison and fined them $14,088 (986,000 dinars) for an article published in June accusing the wali of Jijel of corruption. Amari told the international NGO Reporters Without Borders that he did not receive a summons to appear before the court of Jijel and only became aware of the trial after its verdict was rendered. In June, also for an article involving the alleged corruption of the wali of Jijel, Ali Fodil from the Arabic-language daily newspaper Echourouk el-Youmi was sentenced to three months in prison and fined $703 (49,000 dinars). Belhouchet, Amari, and Fodil appealed their sentences and were not detained.

In February, Ali Dilem, the cartoonist for the French-language daily newspaper Liberte, was sentenced to a year in prison and a $700 (50,000 dinars) fine for 12 cartoons dealing with President Bouteflika that were published in October and November 2003.

On February 20, Kamel Boussad, director of the weekly Panorama, and Berkane Bouderbala, editor of the weekly Essafir and its religious supplement Errisala, were imprisoned because both reprinted Danish caricatures of the Prophet Muhammed. The minister of communication lodged a complaint on the basis of Article 144 of the Penal Code, which provides for up to five years in prison for offenses against the Prophet or God's Messengers or which denigrate the doctrine of Islam. On March 15, Boussad and Bouderbala were released.

On February 10, after broadcasting the same caricatures, Lotfi Cheriet, general manager of the television channel Canal Algerie, was reassigned and demoted. The narrator of the piece was fired. Houria Khatir, director of television channel Thalita, was also fired for permitting images of the caricatures to be televised.

On April 1, police detained Mourad M'hamed, a journalist at the daily newspaper El-Khabar. He was shoved and, according to the newspaper, subjected to "heavy psychological pressure" for several hours in a police station because he had published a document concerning the terrorist group GSPC, an act viewed as a threat to national security. In July he was tried for releasing information on national security to the public and acquitted (see section 1.c.).

On October 31, an Algiers court convicted editor Ali Fodel and reporter Naila Berahal of the Arabic-language daily Echourok el-Youmi on charges of defaming Libyan leader Muammar al-Qadhafi. The judge sentenced both defendants to six months in prison and ordered the newspaper closed for two months. Fodel and Berahai appealed, and the case was pending at year's end.

During the year, 68 press-related cases were tried. In 2005, there were 114 recorded cases of press harassment.

In May and July, President Bouteflika pardoned all 200 journalists with pending defamation cases or defamation convictions, including 11 sentenced to jail terms in 2005.

In 2004, Mohamed Benchicou, the managing editor of the opposition paper Le Matin and author of a book critical of the President, Bouteflika—An Algerian Imposter, was convicted of violating foreign exchange controls in attempting to sell the book. He was sentenced to two years in prison and released in June. He challenged the continued confiscation of his passport, and in September a judge ordered it returned to him.

Government economic leverage on the media was considerable. Unlike in previous years, there were no closures of newspapers for debts to the state-owned printing house. All newspapers were printed at government-owned presses, and the Government continued to influence the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicite (ANEP), which 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 newspapers.

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

In March, the Government banned Boualem Sensal's book "Algiers: Dead Letter Box" because it criticized the Government and suggested fewer people were killed in the war for independence than officially claimed.

The Government continued restrictions on both the local and the international media's coverage of issues relating to "national security and terrorism."

In February, the Government blocked distribution of two editions of the French newspapers France Soir and Le Monde because they contained the Danish cartoons depicting the Prophet Muhammed.

Satellite dish antennas were widespread.

Access to print and broadcast media for Tamazight (Berber language) and Amazigh culture continued to grow. Tamazight 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.

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. At year's end, neither Ahmed Megaache from Al-Arabia nor Ait Larbi from Le Figaro had received accreditation.

Internet Freedom.—Access to the Internet was generally free; however, the Government monitored email and Internet chatrooms, particularly those dealing with terrorism and security issues. 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.

Academic Freedom and Cultural Events.—The Government limited academic freedom. While a growing number of academic seminars and colloquiums occurred without governmental interference, there were extensive delays in issuing visas to international participants and instances where international experts were denied entrance (see section 4).

Scheduled performances of French humorist Djamel Debbouze in April were canceled. Local media speculated that the cancellation was due to his position on Western Sahara.

In October the Ministry of Culture prevented books and CD-ROMs in support of Salafist views of Islam from being exhibited and sold at the International Book Fair of Algiers.

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.—Article 41 of the constitution provides for the right of assembly; however, the emergency decree and government practice continued to sharply curtail this right. A 2000 decree continued to ban demonstrations in Algiers. Citizens and organizations were required to obtain permits from the 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. After repeated difficulties in 2005 in obtaining permission to hold outdoor meetings, LADDH decided to hold indoor meetings. Groups opposing the Charter on Peace and Reconciliation also had difficulty securing permission to hold public gatherings. In September 2005, a gathering of the families of the disappeared in Constantine was violently disbanded by the police. In Algiers the same month, families of the victims of terrorism gathered in front of the Prime Minister's office for three consecutive weeks to protest.

During the year the Government broke up numerous marches, protests, and demonstrations outside the capital. After a September 5 announcement, SOS Disparus resumed its weekly gathering in front of the CNCPPDH headquarters to urge President Bouteflika to find a different solution to the problem of the disappeared.

On June 28, in the Tiaret province, more than 300 young men gathered in the streets and marched, blocking the main national highway in the province to protest the absence of water, gas, and secure and paved roads. Police attempted to break up the protest, but riots lasted for three days. One individual died as a result of tripping over a felled lamp pole, 67 persons were arrested for vandalism, and 34 persons were injured. On the third day of the conflict, the tension escalated when demonstrators asked local officials to release all of the incarcerated youths. Due to their status as minors, 57 youths were released after less than one week of detention, while the remaining 10 served prison sentences ranging from one to four months.

On July 22, the Movement for a Society of Peace (MSP), a party in the governing coalition, organized a march in Algiers in support of the Lebanese and Palestinian people. When security forces attempted to prevent the march, violence occurred. Fifteen demonstrators were arrested, but were released the same day following negotiations between police and MSP officials.

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 evi-

dence 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.

The Government issued 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 are difficult to obtain.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. 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 the Government prevented diplomatic representatives from visiting Algerian NGO Somoud, an advocacy group for victims of terrorism.

As in the previous year, the Government issued visas to Freedom House, a foreign NGO, to meet with other NGOs and foreign diplomats in the country.

c. Freedom of Religion.—Article 2 of the constitution provides for freedom of religion, while declaring Islam the state religion. In practice, the Government restricted religious freedom.

On March 1, the parliament adopted Ordinance 06–03 dealing with the conditions and regulations of religions other than Islam. According to the Ministry of Religious Affairs, one objective of the ordinance 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 are 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 requires organized religions to obtain official recognition prior to conducting any religious activities. The Protestant, Roman Catholic, and Seventh-Day Adventist churches are 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 36 of the constitution provides citizens the right to choose their own religion; however, the Government's interpretation of Shari'a (Islamic law) does not recognize conversion from Islam to any other religion. There are no specific laws against Muslim citizens proselytizing non-Muslims; however, the Government considers 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 provides broadcast time for Protestant and Catholic radio broadcasts. The Government prohibits the dissemination of any literature portraying violence as a legitimate precept of Islam.

The education and religious affairs ministries strictly require, regulate, and fund 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 for "disciplinary action" when deemed appropriate. The Ministry of Religious Affairs 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 pre-screen religious sermons before they are delivered publicly (see section 2.a.). 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. The Ministry of Religious Affairs controlled Islamic sermons during the violence between Islamists and the Government during the 1990s, and those restrictions largely remained in place.

The Penal Code 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 are 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."

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 GSPC, against moderate Muslims. During the year radical Islamic extremists issued public threats against all "infidels" in the country, both foreigners and citizens. The country's terrorist groups generally did not differentiate between religious and political killings.

In October 2005, following an announcement by the authorities warning against such behavior, the tribunal of Bejaia sentenced six young persons to three to six months in prison for having eaten in an "ostentatious way" during daylight hours during the Muslim fasting month of Ramadan. The youths were released after three months of detention.

Anti-Semitic political commentary and cartoons appeared periodically in the Arabic-language press without government response. Following the July-August conflict between Israel and the terrorist group Hizballah, anti-Semitic articles, political commentary, and cartoons regularly appeared in the press. The Government did not promote tolerance or anti-bias education, and there is no hate crime legislation. The country's Jewish population numbered fewer than 100 persons. No synagogues in the country are functioning.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Article 44 of the constitution provides for these rights; however, the Government restricted the exercise of them. The Government did not permit young men eligible for the draft and 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 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.

Armed bandits and terrorists intercepted citizens at roadblocks, often using stolen police uniforms and equipment to rob them of their cash and vehicles. On occasion, armed groups killed groups of military and civilian passengers at these roadblocks (see section 1.a.).

The Family Code does not permit anyone under 18 to travel abroad without a guardian's permission (see section 5).

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 UN 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 they feared persecution. The Government granted refugee status and asylum and there were no reports of refoulement during the year. The Government provided protection to as many as 100,000 refugee Sahrawis, who left the Western Sahara after Morocco took control of the territory in the 1970s. The Office of the UN High Commissioner for Refugees (UNHCR), the World Food Program, the Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. The Government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees, but did not permit UNHCR to conduct a census of the Sahrawi refugees.

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

Article 10 of the constitution provides citizens with the right to change their government freely. In 2004 citizens exercised this right through a multiparty Presidential election held on the basis of universal suffrage. The constitution mandates Presidential elections every five years and limits the incumbent to two terms. The election was generally transparent.

Elections and Political Participation.—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, in 2004 a sitting President not only completed his five-year term of office, but was re-elected in a contested election. However, the election and the electoral system were not without flaws. In the 2004 election, President Bouteflika won ap-

proximately 85 percent of the vote, according to official results. Voter participation was 58 percent, compared to 46 percent in the 2002 legislative elections.

Unlike previous elections, in 2004 there was marked progress 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.

Problems with the electoral system persisted. The Administrative Court of Algiers was criticized by the country's political class and independent media for having invalidated the National Liberation Front's Eighth Party Congress in 2003. The invalidation was viewed as politically motivated and a setback to the President's main opponent, former Prime Minister and FLN Secretary-General Ali Benflis, because the party representatives chosen during the Eighth Party Congress were Benflis supporters. The invalidation also froze the FLN's bank accounts, which became accessible in February 2004 only after the election of the new secretary-general Abdelaziz Belkhadem, who became prime minister during the year.

Opposition candidates also complained that the MOI regularly blocked registered parties from holding meetings, denied them access to larger and better equipped government conference rooms, and pressured hotels into not making conference rooms available, while facilitating the activities of the pro-Bouteflika FLN. Opposition candidates had access to the state-controlled media during the official three-week election campaign period, but not before or after the campaign.

Opposition candidates, primarily the (Islamist) "Movement for National Reform," expressed concern over potential tampering with the voter lists. Candidates filed numerous complaints that the lists were disorganized, unusable, and inflated. The Electoral Commission made hundreds of corrections based on 191 complaints. During the year the Government welcomed the recommendations of IFES to correct voting problems, but it only partially implemented the recommendations before the elections.

An accord between Prime Minister Ahmed Ouyahia and Arouch leader Belaid Abrika addressed economic and social concerns and permitted regional elections in November 2005. However, negotiations did not resume as planned. At a September 14 press conference, Abrika stated that 80 percent of the commitments of the accord had not been honored. According to Abrika, the emergency social economic plan that was to be devoted to the region never started.

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 or Senate). All members of the Assembly are elected by popular vote to five-year terms. In the Council, two-thirds of the members are elected by the regional assemblies (the Popular Communal Assemblies and the Popular State Assemblies), and the remaining one-third is appointed by the President; all members serve six-year terms, and the constitution requires that half the elected members and one-third of the appointed members be replaced every three years. The constitution provides the President with the authority to rule by executive order in special circumstances. In cases when parliament is not in session, the President has the right to legislate by executive order. However, he must submit an executive order to parliament for approval upon its return, first to the Assembly then to the Council of the Nation. If the Assembly disapproves the executive order twice, the President must dissolve the Assembly. Assembly elections were held in 2002, and indirect elections for the Council of the Nation were held in 2003.

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. The Government refused to register Wafa because of its perceived ties to the banned FIS constituted a threat to national security, according to the minister of interior. The Government also failed to provide an official response to the 1998 registration request of the Democratic Front. It was unclear why there was no response, but the party leadership 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.

In indirect elections in 2003 for 48 seats of the Council of the Nation, members from Islamic parties were elected for the first time.

Thirty-two women served in senior positions in the executive and legislative branches. There were three women in the cabinet: the minister of culture and minister delegates for family and female condition and for scientific research. Women also held 24 of the 389 seats in the Assembly and 4 of the 144 seats in the Council of the Nation. A woman led the Workers Party, and all the major political parties, except the Islah Party, had women's divisions headed by women.

The ethnic Amazigh minority of about nine million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the Government. However, Amazigh protests and boycotts surrounding the 2003 and 2004 elections underscored the economic and social neglect felt by many in this community. In 2005 the Government signed an agreement with ethnic Berber leaders that promised more economic aid for the region, but at year's end it had not been delivered (see section 2.b.).

Government Corruption and Transparency.—During the year, Transparency International's composite index of the degree to which corruption is perceived to exist among a country's politicians and public officials indicated that the country had a serious corruption problem.

Anticorruption regulations in the Penal Code call for prison sentences from two to 10 years for high-ranking officials; however, the regulations were not widely implemented.

A 2004 Presidential decree created a unit to investigate financial information at the Ministry of Finance. The independent unit has responsibility for analyzing and dealing with suspicious banking and financial operations that may constitute money-laundering or the financing of terrorism.

On February 1, 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, lifted 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. On December 9, President Bouteflika issued three decrees to implement provisions of the February anti-corruption legislation. The first decree established the National Office for Prevention of and Struggle against Corruption (ONPLC), which is responsible for "periodically gathering statements of patrimony of state agents." At the beginning and end of their terms, all state agents (high-ranking civil servants) are required by the second decree to declare all "fixed and movable goods" belonging to them and their minor children, whether they live in the country or abroad. They must also declare all liquid assets, investments and liabilities. The third decree broadens the scope to public officers by requiring them to declare their assets to the state. 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 May 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.

On January 21, the director of customs announced that 530 cases of customs officers breaking the law had been recorded since 2001. Of those, seven high-level customs officials were dismissed for corruption and embezzlement, while scores of the other charged customs officers received prison terms of unspecified length.

At year's end, the trial of Djillali Araar, the wali of El-Tarf Province was ongoing. President Bouteflika fired Araar on October 28. Araar was charged with corruption and misuse of public funds. A government investigation of transactions involving the El-Tarf provincial government reportedly uncovered bogus projects, overbilling, and contract awards that did not follow proper procedures. Araar was the third governor since 2005 (including the walis of Blida and Oran) to be dismissed for corruption.

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 those 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. However, as of 2005 all ministries were required to establish Web sites and update them regularly. All ministries have Web sites, but not all are updated. The Ministry of Justice provides information on citizens' rights and legislation at two Web sites.

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

The Government continued to 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 (see section 1.f.).

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. Although international NGOs continued to experience delays in obtaining visas, outright refusals were rare. Delays in processing visa applications nonetheless prevented a number of NGOs from conducting programming during the year. AI, for example, planned to organize a seminar on violence against women in March. Because it was unable to obtain visas for the presenters, AI moved the seminar to Morocco. On at least two occasions, programming by the National Democratic Institute (NDI) was cancelled or postponed due to visa problems. An NDI conference on electoral systems planned for June was cancelled because international experts could not obtain visas. NDI's "Young Political Leaders Forum," which was planned for September, was indefinitely postponed because of visa difficulties for international experts. NDI's local resident director was denied reentry into the country from September to December; she was finally allowed reentry, but only to retrieve her belongings and depart.

If an NGO is not legally recognized by the MOI, it is not allowed to conduct investigations. Sometimes, however, 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 ICRC has full access to civilian prisons and pre-trial detention centers; however, it has not been granted access to the country's military or high-security prisons (see section 1.c.).

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

In 2005, the Government invited the UN special rapporteur on freedom of expression and on violence against women to visit, although neither did. However, the Government continued to deny requests for visits from the UN Working Group on Enforced or Involuntary Disappearances (pending since 1997), the UN special rapporteur on torture (pending since 1997), and the UN special rapporteur on extrajudicial executions (pending since 1998).

The Consultative Commission for the Protection and Promotion of Human Rights 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

Article 29 of 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.—Spousal abuse occurred, and in practice was prosecuted under Article 264 of the Penal Code, which 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. According to a joint study in 2004 by the Justice Ministry, women's associations, and the National Institute of Public Health (INSP), 70 percent of abused women refused to lodge a complaint or follow through with the complaint.

Spousal abuse was more frequent in rural areas and among less-educated persons. According to the Government, from January to March there were 1,762 cases of violence against women. According to a March 2006 INSP study, 70 percent of abused women are jobless and 26 percent are illiterate. In 2005, according to the Government there were 7,419 cases of violence against women, including 5,178 cases of physical violence, 277 cases of sexual violence, 1,753 cases of "ill treatment," 34 murders, and 176 cases of sexual harassment. 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.

Rape, spousal and nonspousal, occurred. Nonspousal rape is illegal; spousal rape is not. Prison sentences for nonspousal rape range from one to five years. There were strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were few reports of the law being applied in such cases. However, women's groups have begun to speak out against violence in the family and held several seminars and conferences in 2005 and during the year. In January and May, SOS Femmes en Detresse, a local NGO advocating for women's rights, organized two seminars related to sexual violence against women. In July, Femmes en Communication, another NGO advocating for women's rights, organized a two-day seminar on violence against women. Throughout the year, the Government's office of the minister delegate for the family and female condition held a series of seminars that articulated a national strategy to combat violence against women.

SOS Femmes en Detresse and Wassila Network, another local NGO, 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 receives a growing number of calls. During the year, the center received 1,524 calls, compared to 1,010 calls in 2005.

According to the Penal Code, prostitution is illegal; however, the INSP and female advocacy groups reported that prostitution was a growing problem. The National Gendarmerie recorded 330 prostitution-related arrests from January to October.

The punishment for sexual harassment is one to two years' imprisonment and a fine of $685 to $1,370 (50,000 to 100,000 dinars). The punishment is doubled for a second offense. In the capital, there were at least a dozen cases reported in the press during the year. In 2005 several persons were convicted under the new law; no updated figures were available.

Article 29 of 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 February 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. Amendments in February 2005 to the Nationality Code allowed a woman to marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. The Family Code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion.

Under the 2005 amendments, 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 have custody of the children.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, this rarely occurs (about 1 to 2 percent of marriages), and under the amended Family Code, restrictions on polygyny were tightened. Women can include a "no polygyny clause" in the prenuptial agreement, and the husband must obtain a court ruling, usually easy to secure, allowing him to take an additional wife. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

The amendments to the Family Code in practice vitiated the Shari'a requirement for a male sponsor's (wali's) role and consent to the marriage of a woman, although the requirement has been formally retained. The wali continues to contract the marriage, but the woman may choose any male that she wishes as the wali.

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, 93,328 women had their own business. There were an estimated two million unemployed women in Algeria.

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 published on May 2 by the minister delegate in charge of family and female condition, females represent 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 are female, representing only 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men. Two female magistrates, one appointed by President Bouteflika and one elected by peers, were among the 18-member High Council of Magistrates. In addition, 55 percent of magistrates were women; the 2005 class of new judges was 50 percent women; and women served at all levels in the judicial system. In 2005 the MOI began adding more women to the police force and placed at least one female officer in each precinct to assist women with their abuse claims. This policy continued during the year, as part of a ministry strategy that is currently scheduled to last until 2009.

In July the Ministry of Religious Affairs and the Ministry of Health initiated a series of training sessions for imams and mourchidates (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.

According to a study by the Research Center in Applied Economics for Development, 17.5 percent of females are unemployed compared to 14.9 percent of males.

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. In April 2005, the INPS reported that in 2004, 4,554 children younger than 16 were abused, of whom 2,306 were hospitalized for injuries stemming from abuse; 1,386 were victims of sexual abuse; and 53 were victims of incest. Experts assumed that many cases went unreported because of familial reticence.

According to press reports, children continued to be victims of terrorist attacks. In January, February, and April, according to press reports, there were incidents involving the kidnap and rape of girls by terrorists. In May 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 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, 98 percent of children completed the ninth grade. Boys and girls generally received the same education, although girls from rural areas were slightly more likely to leave school because of familial financial reasons, and sons were often given educational priority.

The Government provided free medical care for all citizens—including children with disabilities—albeit in generally rudimentary facilities.

Economic necessity compelled many children to resort to informal employment, such as street vending (see section 6.d.).

Trafficking in Persons.—The law does not prohibit trafficking in persons, and the country is 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. According to the Government, in the absence of specific anti-trafficking 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. Official statistical estimates of the severity of trafficking do not exist. No government assistance programs existed for victims, nor were there any information campaigns about trafficking.

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

Persons With Disabilities.—The law provides free medical care for persons with disabilities, especially children; however, there is widespread societal discrimination against persons with disabilities. The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a 2002 law which requires them to reserve one 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 2.5 million persons with disabilities in the country. However, according to the Federation of Disabled Associations (FAHM), there are currently three million persons with disabilities in the country.

Other Societal Abuses and Discrimination.—Because of societal and religious pressures, AIDS is considered a shameful disease in Algeria. According to December statistics released by the Ministry of Health, 2,092 citizens are HIV-positive. During the year, the health ministry launched an AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with AIDS and those who are HIV-positive.

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 labor ministry 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. There was only one labor confederation, the General Union of Algerian Workers (UGTA). The UGTA includes national unions that are 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. Although unions may form and join federations or confederations, in practice, attempts by new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. Since early 1996, the Autonomous Unions Confederation has attempted unsuccessfully to organize the autonomous unions, and it functioned without official status. The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA is 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 that 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 must receive prior government authorization. Strikes and labor gatherings occurred throughout the year in various sectors, including the construction, medical, port facility, education, and customs sectors. A 2001 ban on marches and demonstrations in Algiers remained in effect.

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 (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—Under the labor code, the minimum age for employment is 16, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. 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. On February 20, the Ministry of Labor stated that only 95 "young workers" were identified during site visits performed by labor inspectors at 5,847 companies. The Ministry of Labor enforces minimum age laws by means of surprise inspections of public sector enterprises, but it does not consistently enforce relevant statutes in the agricultural or private sectors.

In 2005 the Ministry of Labor reported a rate of child participation in the labor force of 0.56 percent. That figure was challenged, however, by the local NGO FOREM, which runs a children's rights watchdog group financed by the European Union. According to the watchdog group, in the eight most populous provinces six 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.

e. Acceptable Conditions of Work.—The national minimum wage of $140 (10,000 dinars) per month did not provide a decent standard of living for a worker and family. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard work week was 37.5 hours, with one ten-minute break and one hour for lunch. Employees who worked beyond the standard work week 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 work day, a weekend, or a holiday.

The law contains well-developed occupational, health, and safety standards, but Ministry of Labor 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 led by King Hamad Bin Isa Al-Khalifa with a population of approximately 725,000, approximately 430,000 of whom are citizens. King Hamad is the head of state. His son, Crown Prince Sheikh Salman Bin Hamad Al-Khalifa, is heir apparent; and his uncle, Sheikh Khalifa Bin Salman Al-Khalifa, as prime minister, is the head of government. The King appoints a cabinet of ministers. Members of the Al Khalifa royal family hold about half of the cabinet positions, including all strategic ministries. In 2002 the Government adopted the current constitution that reinstated a legislative body with one elected chamber, the Council of Representatives (COR), and one appointed chamber, the Shura Council. In November and December, parliamentary and municipal elections were held and all political so-

cieties participated, including the four that boycotted the 2002 parliamentary elections. The constitution provides that the King is head of the executive, legislative, and judicial branches of the Government. Civilian authorities generally maintained effective control of the security forces.

Citizens were not able to change the Government and experienced restrictions on civil liberties such as the freedoms of press, speech, assembly, association, and some religious practices. Though citizens were not able to form political parties, the law authorized registered political societies to run candidates and participate in other political activities. Reported judicial abuses included lack of judicial independence and allegations of corruption. Occurrences of domestic violence against women and children were common, as well as 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 in leadership positions.

On September 19, King Hamad granted citizenship to at least 372 children of citizen women and noncitizen spouses. On June 6, the first female judge in the country was appointed to the Higher Civil Court. The first woman was elected to the COR, after running unopposed in her district.

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 such practices, and unlike the previous year, there were no reports that government officials employed them.

During the year, there were no known instances of officials being punished for human rights abuses committed. Controversy continued over impunity for alleged torturers which the Government maintained was granted by the 2001 general amnesty.

In May 2005 the Bahrain Human Rights Society (BHRS) and the dissolved Bahrain Center for Human Rights (BCHR), in cooperation with the National Committee for Martyrs and Victims of Torture (NCMVT), briefed the UN Committee Against Torture on their concerns. (The BCHR remained a banned organization.) They focused on impunity for acts of torture committed prior to 2001; rejection by courts of all cases lodged against alleged torturers and of all requests for compensation; and the absence of redress and rehabilitation mechanisms for victims of torture.

Prison and Detention Center Conditions.—Prisons in the country generally met international standards. In late 2005 while the Government permitted limited visits to prisons, it did not allow visits to short term detention facilities by independent human rights observers.

In late December 2005 a BHRS team, including doctors, psychologists, lawyers, and academics, made two visits to Jaw prison, the country's only men's prison. Jaw housed 450 to 500 inmates. BHRS was also scheduled to visit the country's women's prison in Isa Town on February 25, but interior ministry officials postponed the visit indefinitely for administrative reasons. The visit had not been rescheduled by year's end.

According to BHRS representatives, BHRS was given full access to the Jaw facilities, apart from the short-term detention section, and permitted interviews with both staff members and inmates, including two inmates on death row. They conducted private interviews with 56 inmates, some of whom were specified individuals and others whom they chose at random. Per the BHRS report, there was no systematic torture at the facility, but there were reports from some inmates of mistreatment in the detention section where new inmates are first held before being assigned a permanent cell.

Citing concerns about drug use at Jaw, the BHRS report carried claims by some prisoners that some prison staff members had supplied drugs to inmates. It also said that the prison provided drug abuse counseling to addicts.

On August 10, the quasi-governmental Supreme Council for Women (SCW) conducted a visit of the country's women's prison in Isa Town. Following the visit General Secretary Lulwa Al Awadhi called publicly for the Supreme Judicial Council to look into sentences that were overly severe for the crimes committed. There was no publicly released SCW report on the visit.

Juveniles were housed separately from adults until the age of 15. In 2004 the Ministry of Social Development announced plans to open a separate center for the care of juvenile delinquents, but it had not yet done so by year's end.

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 confirmed that ICRC officials had not visited prisons for several years, 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 Ministry of Interior (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 (DINARSF) is responsible for defending against external threats and also monitors internal security. There were no reports of corruption within the MOI and the DINARSF, although corruption was difficult to assess given the lack of transparency in activities and budgets.

During the year there were no known instances of police officers punished for committing human rights abuses.

Press reports carried several cases of law enforcement officials being jailed and/or fined for misconduct, most often for accepting bribes.

Arrest and Detention.—A felony suspect must be charged and transferred to the Public Prosecutor's Office immediately. Within seven days of his arrest, a detainee must appear before a judge in the Public Prosecutor's Office to determine the viability of continued detention regarding the case. If the judge decides the suspect is a flight risk or is a danger to society, he may rule for continued detention up to a maximum of 45 days while the investigation is carried out. This process may continue through reviews by subsequent different judges, but detention may not exceed six months. However, according to the BHRS, there are occasional reports of detention for up to one year, but these cases are uncommon and were not reported during the last year.

On August 16, new counterterrorism legislation was enacted that allows for a five-day detention period of a terrorist suspect. 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 three 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.

Judges may grant bail to a suspect and do so regularly. Detainees were generally allowed prompt access to visiting family members.

The Ministry of Justice was responsible for the assignment and management of public prosecutors, while the MOI oversaw security and all aspects of prison administration. 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 if the defendant could not afford to hire an attorney. After conviction attorneys required the prison director's permission to visit a client in jail.

Jaw prison housed convicted, sentenced prisoners only. According to a BHRS official who conducted visits with inmates at Jaw prison in December 2005, some prisoners described lengthy pretrial detentions up to nine months. However, the official said these were not detentions but delayed trials for additional crimes while the inmates were already serving out a sentence on an earlier conviction.

Amnesty.—On December 15, the King granted amnesty to all those who were connected to the March Dana Mall incident and the December 2005 airport incident (see section 2.b.).

e. Denial of Fair Public Trial.—The constitution provides for a nominally independent judiciary; however, the judiciary was not independent, and 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 constitution does not provide a legislative branch confirmation process for judicial appointees nor does it establish an impeachment process. The constitution also specifies that punishment is personal, therefore family members cannot be punished for an individual's alleged crimes.

On June 6, the first female judge, Mona al-Kawari, was appointed to the Higher Civil Court.

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 two branches (criminal and civil), adjudicate all civil and commercial cases, criminal cases, and personal status cases involving non-Muslims. The Courts of Minor Causes (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, which is 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 constitution established the Constitutional Court to rule 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 nine year terms and cannot be removed before their terms expire. The court's determination is final and "binding on all state authorities and on everyone," according to the constitution.

The DINARSF 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.—Civil and criminal trial procedures provided for an open trial, the right to counsel, question witnesses, and the right to appeal. Juries are not a part of the judicial system. Reports continued alleging lack of access to a fair trial.

Defendants may choose their own attorneys. If they are unable to afford a private attorney, defendants may ask the MOJ to appoint an attorney to represent them in court. Defendants are present during trial proceedings, and they have the right to question witnesses. According to the constitution, defendants are presumed innocent until proven guilty.

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 under the law. It also provides for 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, email, and personal correspondence remained subject to monitoring (see section 2.a.). Police informer networks were extensive and sophisticated.

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 limited the exercise of these rights. The election law prohibits speeches at most public locations and limits the areas where campaign materials can be placed.

On July 20, the King ratified amendments to the association law that forbids any speech or discussion infringing on public order or morals (Law 18 of 1973). Under the amendments, restricted locations for protests or gatherings include in the vicinity of hospitals, airports, commercial malls, and security-related installations. Possible sentences for organizing unauthorized gatherings have been increased from three months to six months in jail. The original law allows security officials to break up public meetings if any crime under the Penal Code is committed or if public security is threatened.

By year's end, according to human rights organizations, the Government had blocked local access to 21 Web sites through Internet service provider Batelco. Among these sites were local Web log and chat sites, human rights Web sites, sites containing information about Arab Christians, and the Wa'ad political society's Web site.

On November 16, Mohamed al-Sahlawi and Hussein al-Habashi were arrested as they were allegedly preparing to distribute printed materials calling for a boycott of the elections and a change of the Government. According to press reports, the two face charges related to the Press Law and the Penal Code for 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." It was reported that the men planned to distribute 1,500 leaflets to mosque attendees urging people to boycott the national elections and participate in protests. At year's end the lawyer for the men confirmed that they would remain in custody until their appearance at the Lower Criminal Court, scheduled for January 7, 2007.

In 2002 the King decreed a press law. The Government began implementing the law but later "froze" it due to a public outcry. Although suspended the law was enforced at the Government's discretion. The suspended press law provides for restricted freedom of speech and press. The law provides for prison sentences in three general categories of offenses: criticizing the state's official religion; criticizing the King; and inciting actions that undermine state security. In addition, 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.

In early September Dr. Salah al-Bandar distributed a report to selected individuals and political societies claiming the existence of a group of high-level individuals in the Government that attempted to manipulate the 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. On September 13, al-Bandar was deported, and the Government confiscated his belongings. He was accused of seizing official government documents and stealing private checks.

On October 4, the High Criminal Court banned the publishing of any news, commentary, or other information related to the report or the legal case against al-Bandar. All Web sites were banned from discussing the al-Bandar report about the alleged election fraud. The law prohibits newspapers from publishing information related to any case that is under investigation or is being tried in the courts. It also levies a fine of up to $2,650 (1,000 dinars) on any newspaper or individual who publishes news relating to crimes that the investigative authorities have decided should not be published. Bahrain News Agency reported that the decision came as a result of some newspaper coverage that harmed the public interest and incited sedition in the community.

Local press coverage and commentary on international issues was open, and discussion of local economic and commercial issues also was relatively unrestricted. Newspapers covered opposition politics in detail and also published Friday mosque sermons, both Shi'a and Sunni. However, there was both censorship and self-censorship. 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.

Public demonstrations over foreign policy, unemployment, personal status laws, housing shortages, human rights abuses, and other issues were covered in the print media but not always on government owned television. Radio and television broadcasts in Arabic and Farsi from countries in the region, including by satellite, were received without interference.

In private settings, individuals openly expressed critical opinions regarding domestic political and social issues. There was considerable freedom of discussion on the Internet (chat rooms, discussion forums, and individual Web logs), in letters to the editor, and occasionally on state run television call in shows.

The Government owned and operated all local radio and television stations. However, satellite television systems were readily available to the public, providing access to international broadcasts. There were no reports of restrictions in access to these broadcasts. In 2004 the Government lifted its ban on correspondents from the

Qatar based Al Jazeera satellite television channel, but maintained control over the selection of the locally-based correspondent.

There was no government-owned print media, but the Ministry of Information exercised considerable control over local privately owned print media. One of the country's most prominent newspapers, Al-Wasat, was subject to occasional government harassment. In 2003 Dr. Mansour al-Jamry, editor in chief of Al Wasat, was interrogated, fined, and sentenced for allegedly publishing sensitive information about an ongoing investigation of a locally based terrorist cell. Al-Jamry appealed his case to the Constitutional Court, arguing that the laws under which he was charged, dealing with judicial authority, criminal procedure, and the press, were unconstitutional. In 2004 the High Criminal Court judge referred Al-Jamry's case to the Constitutional Court. The Constitutional Court upheld the constitutionality of the three laws and sent the case back to the High Criminal Court. At year's end a decision on the case was still pending.

After the Government dissolved the BCHR in 2004, the BCHR appealed its dissolution in court. On February 22, following a final appeal by the BCHR to the Court of Cassation, Bahrain's highest appeals court, the court decided against the BCHR. Accompanying the March 8 public announcement of the court decision, was a warning from the Ministry of Social Development that it would recommend legal measures against members of BCHR if they continued their activities.

The BCHR was dissolved after the arrest of Adinarsulhadi al-Khawaja, former President of the BCHR, for criticizing and insulting Prime Minister Sheikh al-Khalifa at the Al-Aruba Club during a presentation on poverty in 2004. Shortly thereafter, the Government temporarily closed Al-Aruba Club and dissolved the BCHR for engaging in activities beyond the scope of the society's bylaws. In 2004 al-Khawaja was sentenced to one year in prison for violating the Penal Code by inciting hatred against the regime and spreading rumors that could undermine state security, but was ordered released by the King hours after sentencing.

Internet Freedom.—The Government restricted use of the Internet. The only Internet service provider in the country is government-owned Batelco which prohibited user access to Internet sites considered to be antigovernment or anti Islamic.

At year's end a human rights organization reported that there were at least 21 Web sites blocked to resident users. During the year users were reportedly prevented from accessing Web logs, chat sites, and various Web sites, including the Arab Network for Human Rights Information, and the National Committee for Martyrs and Victims of Torture, among others. Access to Google Earth and Google Video was blocked for several days in August and then reinstated. Some users were able to access the sites using alternate servers. The Internet (chat rooms, discussion forums, and individual Web logs) allowed for generally candid discussions and expression.

The country has experienced an overall growth in the readership and contribution to Web logs. Web logs carried information about the al-Bandar report before and in greater depth than the mainstream press. Discussions on Web logs had been particularly active about the report, although the Government blocked some Web logs until they removed any references to the al-Bandar case. During the year, a number of local bloggers were blocked on the Internet for commenting upon election irregularities.

Email use was reportedly monitored (see section 1.f.). Batelco estimates that more than 135,000 persons used the Internet, with approximately 45,000 local e-mail accounts.

In February and March 2005 authorities arrested three Web site administrators on charges of inciting hatred against the regime and spreading false rumors that could undermine state security. Their Web site had been blocked by the Government for several years and these administrators were detained for 17 days. Supporters of the administrators held a number of demonstrations against the detentions and the detainees went on a hunger strike for several days. Immediately following their release the three men were prohibited from traveling, but this travel ban was lifted after two weeks. At year's end charges remained pending with the Public Prosecution and had not been transferred to the courts to go to trial.

In April 2005 the Ministry of Information launched a six-month campaign to register all Web sites in the country. Reportedly only approximately 80 sites registered, many of which were government sites. Estimates of the number of Web sites residing on servers in the country range into the thousands. Under the new government regulations, 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.—Academic freedom was limited, although there were no formal regulations. Academics avoided contentious political issues, and the University of Bahrain did not have a political science program. 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.

There were some restrictions on popular music events, reportedly for reasons of public order with large audiences. For example, on February 27 the Ministry of Information denied a request by a Lebanese radio station to organize a concert featuring Lebanese singer Nancy Ajram during Formula One events. However, a subsequent request for Ajram to perform was approved for a May 18 concert. Ajram performed again at the end of the year during the Eid al-Adha holidays.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Although the constitution provides for the right of free assembly, the law restricts the exercise of this right. On July 26, the Government implemented new legislation governing demonstrations and rallies and codified restrictions on where and when public gatherings or demonstrations can be held. Organizers must submit the request to the MOI with at least 72 hours advance notice. The request must be signed by three individuals from the area in which the demonstration will take place and who are known to be law-abiding citizens. The new 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.

According to the new legislation, 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. If there is no response to the request, the gathering may proceed as requested. Organizers of an unauthorized gathering may be held responsible for any damage to public or private property. Under this legislation funeral processions may not be turned into political rallies and security officials may be present at any public gathering.

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. Based on the proposed by-laws a new group submits, the Government decides whether its proposed activities are social or political in nature. 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.

Scores of demonstrations occurred throughout the year. Many related to local issues, such as housing, unemployment, and political naturalization, and there were occasional demonstrations related to international events, such as the Israel-Hizballah conflict. Some of these demonstrations were not approved by the Government, but government intervened only on occasion. A local human rights organization reported that efforts by the Haq Movement, an organization advocating constitutional changes and a continued boycott of the elections and political system, to hold an unauthorized seminar on September 22 was prevented from meeting. No arrests were reported.

The MOI reportedly told the owners of some venues to close their premises to prevent meetings from occurring, but it was not possible to determine the number of times this happened.

On September 29, political societies held a rally to focus attention on the issue of the Government's alleged naturalization of persons for political purposes. Although the Government permitted the rally to proceed, it cited the new legislation as the basis for preventing participants from taking the rally to the main highway through the commercial district. Several demonstrators reportedly threw rocks at police and at least one Molotov cocktail that set alight a traditional Bahraini boat on decorative display next to the road. Police dispersed the demonstrators with tear gas. There were no arrests.

The Government limited and controlled political gatherings. The Political Rights Law of 2002 regulates election campaigns and prohibits "election meetings" at worship centers, universities, schools, government buildings, and public institutions (see sections 2.c. and 3). On July 30, amendments to this legislation 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 six months in prison for any crime. The electoral restriction was not enforced during the year, as the names of citizens sentenced for more than six months appeared on the voter registration lists.

In December 2005 Shaikh Mohamed al-Sanad was detained upon his return from Qom, Iran. Approximately three weeks earlier, his office in Qom released a statement questioning the legitimacy of the Government, and calling for a repeat of a UN referendum conducted in 1971 concerning independence. As Shaikh al-Sanad was being detained at the airport, a group of 100 to 300 protesters gathered in the airport arrival lounge. Riot police were deployed and clashed with protesters. Several days later 21 individuals previously released were rearrested and charged for their alleged involvement in the events at the airport. One of the 21 protesters was later released.

As court proceedings began for the 20 detainees, demonstrators gathered near the Public Prosecutor's Office to protest the detention. Over the course of the next couple of weeks, several of these demonstrators were arrested for their participation in unlawful gatherings at the Public Prosecutor's Office. On February 7, 12 of the airport detainees were sentenced to two years in jail and one detainee was cleared of all charges and released. Although the 12 were cleared of the charges of assaulting police and damaging public property, each was convicted of participating in an illegal gathering.

On February 15, of the remaining seven airport detainees, four were sentenced to one year in prison for participating in an unlawful gathering, and the remaining three were cleared of all charges and released. On April 11, the court heard an appeal for 13 of those sentenced; eight of the two-year sentences were reduced to one year and four of the two-year sentences were upheld. The thirteenth prisoner was cleared of all charges and was released.

On March 10, demonstrators gathered near Dana Mall for an authorized peaceful demonstration to protest the sentences of those involved in the events at the airport and the detention of protesters. When confronted by police, many of the youth entered the mall and caused damage to the shops inside. Nineteen individuals were arrested. Charges consisted of damaging property, assaulting police officers, and participating in an unlawful demonstration. There were convictions on all three charges, and the court sentenced those found guilty to jail time.

Meanwhile, over the course of several evenings at the end of March and the beginning of April, groups of masked youths burned tires on the outskirts of several villages. Police made eight arrests and, on April 16, revealed the identity of seven of the individuals, with photos, through the media. The eighth detainee was a minor.

On September 20, King Hamad announced by decree that all detainees and sentenced prisoners related to the December 2005 airport incident and related disturbances, including the masked youths, were to be pardoned and released before the start of the Muslim month of Ramadan. On September 22, 43 were released to their families and another 18 two days later.

Throughout 2005 the National Committee for the Unemployed staged numerous rallies calling on the Government to find solutions to the country's unemployment problem. As the committee is not registered with the Government, it cannot legally organize activities. Although the committee submitted an application for registration with the Ministry of Social Development (MOSD), it did not receive a response. The ministry did not release reasons for its lack of action. The Government warned the committee on several occasions against holding unauthorized events, and police and protestors clashed at two of its demonstrations. There were no charges placed against demonstrators or against police who were alleged to have used excessive force.

Freedom of Association.—The constitution provides for the right of freedom of association; however, the Government limited this right in practice. Though the Government does not allow the formation of political parties, it has authorized registered political societies to run candidates and participate in other political activities (see section 3).

The 1989 Civil Societies 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 being provided by another society, are contrary to state security, or are aimed at reviving a previously dissolved society.

During the year the Government permitted several NGOs, including the Bahrain Transparency Society, the Bahrain Human Rights Society, the Bahrain Human Rights Watch Society, and the Bahrain Society for Public Freedoms, among others, to conduct some political activities such as election monitoring and promotion of election-related codes of conduct.

In June 2005 the Bahrain Youth Human Rights Society attempted to register as a civil society group, but the Ministry of Social Development did not respond to the application. Unofficial sources claimed that the society contained an insufficient number of members over the legal age of 18 and, therefore, could not legally reg-

ister. Members of the society speculate that they have not been allowed to register due to their relationship with members of the now dissolved BCHR.

In 2004 the MOSD dissolved the BCHR after the BCHR President criticized the Prime Minister during a seminar (see section 2.a.). BCHR members continue to issue reports on alleged human rights abuses and participate in international human rights events. Members keep the BCHR web site updated, although access to the Web site was blocked. BCHR are consulted by journalists and appear in press pieces on human rights issues.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the Government placed limitations on the exercise of this right. The constitution declares Islam as the official religion, and all other religious groups must obtain a permit from the Ministry of Islamic Affairs 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 Muslim population is approximately 70 percent Shi'a and 30 percent Sunni. 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 synagogue has been closed since 1948.

The Government funds, monitors, and subjects all official religious institutions to some control. 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 (congregation hall for religious ceremonies) during the year.

Sunni and Shi'a waqfs made funding decisions for new mosque construction. Although both Sunni and Shi'a waqfs were reportedly well-endowed and were 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 relative to its population in the country.

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 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.

The vast 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 Political Rights Law of 2002 forbids election speeches in worship centers, but political sermons continued (see sections 2.b. and 3). Proselytizing by non Muslims is illegal and the Government prohibited anti Islamic writings; however, Christian publications, including Bibles, were sold openly. Religious tracts of all branches of Islam, cassettes of sermons delivered by sheikhs 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.

In 2004 the Royal Court denied an application for a Shi'a mosque and ma'tam to be established in Rifa'a declaring that land, cannot be allocated for commercial enterprises.

Christian congregations and churches were registered with the Government and operated freely.

The Ministry of Islamic Affairs has repeatedly denied a Baha'i congregation a license to function. The ministry views Baha'ism as an inauthentic offshoot of Islam and blasphemous, and it refuses to recognize the congregation, which continued to practice its faith without government interference.

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. Shi'a citizens held posts in these forces, though not positions of significance. 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 and positions at the university. Although the percentage of Shi'a students was close to the approximately 70 percent

Shi'a population in the country, only about 40 percent of university faculty was Shi'a. Shi'a compose a high percentage of the country's unemployed.

The Government has not enacted any laws protecting the rights of Jews to religious freedom; however, it has not interfered with their freedom to practice their religion. 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 anti-Semitic articles and depictions occurred without government response. Examples of this were also seen during the July-August conflict between Israel and Hizballah, when Israel was regularly referred to as the "Zionist entity" in the press. 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.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for freedom of movement, except as modified by law and judicial decisions. Banishment and prevention of return are prohibited. Citizens were free to move within the country and change their place of residence or work.

The 1963 Citizenship 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.

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 from foreign countries. Although naturalization requirements are clearly defined, they were not applied impartially, and adjudication of naturalization applications was not transparent. 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.

On September 19, King Hamad by royal decree granted citizenship to at least 372 children of citizen mothers and noncitizen fathers. Although most were born and resided in the country most of their lives, they had not been granted citizenship because according to law, citizenship derives from one's father and not one's mother. Previously, these children were required to obtain resident permits, were not eligible for some social services, or had to pay for some other services (see section 5).

The constitution prohibits forced exile, and there were no reports of forced exile during the year. In 2004 the Royal Court granted 34 citizens living in exile the right to return to the country. Since that time there have been no reports of citizens returned from exile to the country. In January, the cabinet discussed the matter of government assistance to over 500 former exiles and their families. Assistance of approximately $660 (250 dinars) monthly was provided to 250 families with either unemployed or elderly former exiles.

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 and children facing any 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 UN 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 they fear persecution.

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 Representatives, 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 COR and the 40-member appointed Shura (Consultative) Council. The Office of Legal Affairs drafts the text of laws, not the COR or the Shura Council. This office had been part of the Prime Minister's cabinet until July when it was made a quasi-independent body linked to the MOJ. 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 one 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 COR 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 COR may pass a two thirds majority vote of no confidence requiring a minister's resignation. The COR 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 COR. The situation of a no-confidence vote has never arisen.

Elections and Political Participation.—Bahrain held parliamentary and municipal council elections in two rounds on November 25 and December 2. Voter participation in the first round was 73 percent of all registered voters. In second round runoff races 69 percent of those eligible to vote cast ballots. Although there was a small group of eligible voters who maintained a boycott of the elections, all political societies, including the four that boycotted the 2002 elections, participated in the elections.

Although no international observers participated, nine local civil society groups were permitted access to poll stations to observe voting, including Bahrain Human Rights Watch Society and Bahrain Society for Public Freedoms. Bahrain Transparency Society and Bahrain Human Rights Society joined efforts to form the Election Monitoring Joint Committee (EMJC).

Although by year's end it had not issued its final report, in an initial assessment EMJC reported that there were no reports of widespread attempts to influence the outcome of the elections. In addition to the country's 40 district polling centers, voters of any district could cast their votes at one of ten general polling stations. Prior to the elections, the general stations had received attention as an area possibly vulnerable to manipulation. 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.

At district polling stations, results were announced to observers and candidate representatives following the counting of ballots. However, at many general poll centers during the first round this did not happen. Votes from 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, and adjustments were made for the runoff elections. Prior to moving ballot boxes following the vote in the runoff races, election officials announced vote counts to observers.

EMJC reported a series of 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 violations of 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.

On August 11 Minister of Social Development Dr. Fatima al-Balushi declared that the administrative and financial procedures of NGOs would come under direct control of a new department in the ministry. The purpose of this regulation was to prevent charitable organizations' financial support of candidates during elections.

On July 30, the Government implemented an amendment to the Political Rights Law lowering the voting age from 21 to 20 years of age.

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. Observers commented that this gerrymandering generally violated the one man, one vote principle common to most democracies. 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.

In July 2005 a Political Societies Law replaced the 1989 law as the governing law for organized political activity. The law gives political societies legal authority to exist and defines guidelines within which they can operate. Political societies were highly critical of provisions in the law that require them to notify the MOJ 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 MOJ the authority to reject an application for registration.

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 (see section 2.b.). The Government began recognizing political societies in 2002 and placed them under the jurisdiction of the 1989 Civil Societies Law. Although the 1989 law prohibits civil society groups from engaging in political matters, the Government permitted such activity at its discretion.

Al-Wifaq, the country's largest political society (Shi'a), and three other political societies, boycotted the 2002 parliamentary elections, citing grievances over the constitutional provisions that equalized the powers of the elected COR and the royally-appointed Shura Council. During 2005 all political societies except one, including three of the four boycotting societies, registered under the new Political Societies Law, a required first step toward participation in the November and December legislative elections. The remaining boycotting political society registered in spring of the reporting period. As of the end of the year, 15 political societies were registered with the Ministry of Justice. The ministry did not refuse or defer the application of any political society.

The Ministry of Social Development suspended the opposition Islamic Action Society (IAS) for 45 days after a June 2005 seminar in which members of the IAS allegedly praised 73 persons convicted of a 1980's coup attempt. The ministry accused the IAS of "defaming the constitution, national symbols, and the political leadership; tolerating incitement; and distributing pamphlets not licensed by the Ministry of Information."

Women have the right to vote and run for public office. In the legislative elections, 18 women ran in the legislative and five ran in the municipal elections. One woman, Latifa al-Qa'oud, was unopposed in her district and became the first female member of parliament. None of the other women candidates were elected. Percentages of the voting by gender were not released by the Government.

On June 6, King Hamad appointed Mona al-Kawari the first female judge. On June 8, the UN General Assembly elected attorney Shaikha Haya Bint Rashid Al Khalifa as President, the assembly's first Muslim woman President.

In December the King appointed 10 women to the 40-member Shura Council. This represents an increase of four from the previous Shura Council that served from 2002 to this past year. One of these women, Alice Samaan, a Christian, was elected to be the second deputy speaker of the council.

In 2004 the Ministry of Cabinet Affairs reported that women held 9 percent of senior civil service posts. Minister of Health Dr. Nada Haffadh and Minister of Social Development Dr. Fatima al-Belooshi continued to serve in the parliament.

The Shi'a constitute approximately 70 percent of resident citizens, and both Shi'a and Sunni citizens have equal rights before the law. However, the royal family is Sunni, and Sunnis dominate politically and economically.

The King appointed one Christian and one Jewish member to the new Shura Council in December. Eighteen Shura Council members were Shi'a Muslims and 17 were Sunni. Five of the 23 cabinet ministers were Shi'a, including a deputy prime minister.

Government Corruption and Transparency.—Significant areas of government activity continued to lack transparency. 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 analyzed the accounts of state-owned entities and was made available to the public. The COR called ministers to appear at public sessions to respond to questions from members of parliament.

There was no law providing citizens with access to information held by the Government.

Section 4. Governmental Attitude 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 Affairs 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, Bahrain Human Rights Watch Society (BHRWS), and Bahrain Center for Human Rights (dissolved in 2004 but former members continue to report, see section 2.b.). BHRS was independent from the Government. BHRWS considers itself independent while members of its leadership were also members of the King-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, who have not registered as an NGO with the Ministry of Social Development, carried out several activities without interference by the Government. In December they organized a letter writing campaign for International Human Rights Day. Members coordinated with the Bahrain Society for Public Freedoms to observe the elections and monitor media coverage during the election campaign. In May, the group organized free public screenings of the film The Road to Guantanamo. However, on June 23, they were prevented from staging a mock soccer game to focus attention on Guantanamo Bay detainees.

In December 2005 BHRS and a foreign human rights organization organized a conference on family law issues. In October and November 2005 members of some domestic NGOs participated with international NGOs in conferences leading to the Forum for the Future conference. A local human rights activist organized a "parallel" Forum for the Future conference for regional NGOs, which was funded by the Government. Bahrain Transparency Society had regular contact with Transparency International.

The Bahrain Center for Human Rights (BCHR) was active from 2002 to 2004. The group produced reports, supported victims of trafficking, and organized other events. From 2003 government ministries warned the center against conducting activities that were outside its bylaws such as criticizing the Government or specific government officials. In 2004 the Ministry of Social Development dissolved the BCHR. 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 (see section 2.a.). Individual members continued to conduct activities and write reports about issues of concern in the name of the center.

In August 2005 the Government released the locked BCHR office space to the Migrant Worker Protection Society. MWPS had been working under the BCHR umbrella but became an independent NGO after BCHR was dissolved.

The BHRWS, established in December 2004 and led by a member of the Shura Council, conducted a number of human rights activities throughout the year, including organizing conferences and awareness campaigns on women's rights, children's rights, and labor rights. In December 2005 BHRWS announced the establishment of a new coalition called "Respect" to focus on the twin issues of the need for a family law and the protection of abused domestic workers. In July BHRWS was forced to disband the coalition because the MOSD required that the new coalition be registered with the ministry. Rather than register as a new society, BHRWS took on the full campaign independent of the other members of the coalition.

On December 19, the BHRS released its fourth annual report covering events in 2005. The report highlighted that authority granted to public security officials in the gathering law (even before the recent amendments) to break up meetings contradicts the constitution.

In May the project director of a foreign organization was asked by immigration authorities to leave the country. The formal reason for his departure was that his residency status had lapsed and he was without an official sponsor. However, observer speculation focused on the probability that the Government perceived the organization's activities to have violated the Political Societies Law that prevents political societies from receiving direct funding from foreign sources. Although the organization did not provide direct funding to political societies, the organization offered training courses for elections officials and political leaders.

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 June 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. This center recorded 586 cases involving domestic abuse during the year: nearly two-thirds from women, just less than one-quarter from children, and the remainder from men.

On November 23, the Government opened a shelter for women. Its facilities accommodated victims of both domestic abuse and trafficking crimes.

A 2004 study of 605 women of varying age, social status, and educational background concluded that 30 percent of the country's married women had been subjected more than once to verbal, physical, or psychological spousal violence. There were very few instances of women seeking 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 being arrested for rape. The law does not address spousal rape. Although the number of convictions was not available, during the year there were 45 cases of rape and 212 cases of sexual assault referred to the public prosecutor.

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. In 2003 Anita Verma, a 28-year-old Indian domestic worker, was hospitalized after being abused by her employer for three months. She had received less than one month's full pay. She sued her employer for damages and back pay. Although Anita repeatedly indicated her desire to return to her family in India, she was not permitted to travel unless her former employer signed her exit papers, which she would only agree to do if Anita dropped the charges. After pursuing the case for over two years, a family illness prompted Anita to drop the charges. She returned to her home country on February 18.

There is no specific law that prohibits female genital mutilation (FGM). According to the Batelco Care Center for Family Violence Cases, there have been no cases of FGM for many years.

Women's legal rights vary according to Shi'a or Sunni interpretations of Islamic law (as determined by the individual's faith or by the court in which various contracts, including marriage, were made). In 2004 the MOJ suspended six Shari'a court judges indefinitely, following complaints from women of unfair treatment. According to the ministry, the judges reportedly had lost the trust of the community due to their misconduct (see section 1.e.).

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 may 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 effect of these rules.

In divorce cases, the courts routinely grant mothers custody of daughters under age nine and sons under age seven. 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.

Married women have the right to apply for a passport without their husband's consent. Women have the right to travel abroad without gaining prior consent.

By law foreign women who marry citizens are eligible for citizenship after five years of marriage. Foreign men who marry citizens, however, are not entitled to citizenship, and neither are their children. In July 2005 the Bahrain Women's Society launched a campaign to promote full citizenship rights for foreign husbands and their children. Over the past three years, the society has run a registration campaign to record the personal information of the more than 1,800 children (infant to age 21) who were born to citizen mothers and do not have citizenship. On September 19, King Hamad by royal decree granted citizenship to at least 372 children

of citizen mothers and noncitizen fathers. However, this action did not change the legislation, so any such children will still face citizenship difficulties.

According to November government data, women constituted 11 percent of the private sector workforce and 42 percent of the Government workforce. The Government was a leading employer of women.

Labor laws prohibit discrimination against women; however, discrimination existed in the workplace. The influence of religious traditionalists sometimes hampered women's rights. In January 2005 a new 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.

Prostitution is illegal and throughout the year there were press reports of arrests of prostitutes and their managers. During the year 68 cases of prostitution were referred to the public prosecution for investigation. In calendar year 2005, the most recent statistics that were available, the state won 20 prostitution-related cases. Sentences for individuals who "encouraged the practice of prostitution" varied between 10 days and two years in prison. Sentences for those who "managed an establishment for the practice of prostitution", ranged from prison sentences of three months to three years.

Sexual harassment is prohibited; however, harassment was a widespread problem for women, especially foreigners working as domestics and other low level service jobs. The press reported a number of cases of men being arrested for sexually harassing women. During the year 420 cases of sexual harassment were referred to the public prosecution.

The President of the University of Bahrain is a woman and 60 percent of the students are women.

Several women's organizations seek to improve the status of women under both civil and Islamic law. Throughout the year, the Government and NGOs sponsored a number of conferences related to women's rights.

Women activists had been trying since 2001 to establish a Bahrain Women's Union and were finally granted the permission to register and hold elections for members of their board following a March court decision in their favor. The MOSD had refused to allow the union to register, stating that the union's activities were political in nature. The union seeks to bring together numerous societies to advocate for women's rights.

Children.—The Government has often stated its commitment to the protection of children's rights and welfare. It generally honored this commitment through enforcement of related civil and criminal laws and through an extensive social welfare network.

Children born to citizen mothers and noncitizen fathers are not entitled to citizenship and are not eligible for certain social services, including public education.

According to the Education Act of 2005, education is free and compulsory for all children, including noncitizens, ages six to 15. In recent years, authorities did not enforce compulsory education rules. However, the Education Act imposed fines on parents whose children failed to attend school and outlined other measures to encourage school attendance. According to the World Development Indicators from the World Bank in 2001, 98.4 percent of children were enrolled in school. In 2001, 98.4 percent of boys were enrolled in basic education and 97.5 percent of girls were enrolled in basic education. Most students finished secondary school. No new statistics were available.

Limited medical services for infant and preadolescent citizens were provided for free. Noncitizen adults and children paid a fee for each visit for care at public health centers.

According to the Bahrain Women's Society (BWS), child abuse was common, although public discussion of it was rare. 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 over 300 emails per month mostly from youth and adults, from inside and outside the country, reporting to have been victims of child abuse. The newly established Be Free Center reportedly serviced over 3,000 individuals over the year through trainings and lectures conducted for children and parents at the center, at schools, and at other public venues.

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 experiencing conditions that amounted to trafficking (see section 6.c.), such as withholding of passports, restrictions on their movements, and physical or psychological intimidation to work. Some of these victims reported being forced into commercial sexual exploitation; however, the most common forms of traf-

ficking in persons involved unskilled construction laborers and domestic workers. There are approximately 50,000 foreign housemaids working in the country, and labor laws do not fully cover domestic workers. According to government statistics, foreigners make up 57 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 non-payment of salaries; inadequate meals; physical, sexual, and psychological abuse; absence of rest days, and/or extremely long working hours.

Frequently, traffickers—including some from influential families—tricked new workers into paying up to $1,200 (450 DINARS) for fraudulent visas and non-existent jobs, leaving stranded workers vulnerable to trafficking due to their illegal immigration status in the country and high debt in their home country. The Ministry of Labor (MOL) nearly doubled its number of labor inspectors to approximately 40 to investigate reports of visa abuse.

Prostitution is illegal, but during the year there was evidence that a number of foreign women were forced into commercial sexual exploitation through deception or intimidation. The problem was especially problematic for Thai women coming to the country. Although many Thai women traveled to the country voluntarily, there were indications of the use of false job offers and physical force to traffic some of them into commercial sexual exploitation. During the year the Thai Embassy repatriated 385 women.

In cases of forced prostitution, the Government reportedly prosecuted the offender and often the victim's sponsor or employer, but did not provide any information on cases it pursued this year. (See section 5).

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 two years in a position.

Throughout the year the press carried stories of expatriate workers committing or attempting suicide. Exact statistics of attempts and deaths were unavailable.

The Government can fine employers guilty of forced labor up to $2,650 (1,000 dinars). 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 does not provide direct assistance to victims. Through August 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.

In June 2005 Meena Raj Kumar Dolare was sentenced to three months in jail and fined $1,325 (500 dinars) for severely assaulting her maid in 2003. Though Dolare reportedly admitted to the abuse, she was released on $1,325 bail (500 dinars) and vowed to appeal the ruling. Rights activists praised the ruling, but reported that it was the only conviction in more than 20 rape and physical abuses cases filed by foreign housemaids in the past two-and-a-half years. The MWPS reported that since it began its work in 2002, at least a dozen foreign women have dropped abuse cases against their employers because the courts delayed proceedings for months or even years and they wanted to return to their home countries. Due to the hardship on the worker presented by these court proceedings, MWPS has ceased advising women to seek court rulings against their sponsors. Instead, cases have been resolved favorably through intervention by foreign embassies and mediation between embassy staff and sponsors.

In August, a sponsor attempted to send Sangita, a domestic worker, home to India involuntarily without paying her the 22 months of back pay she was due. Before the sponsor took her to the airport, however, she was able to contact the MWPS for help. Through MWPS and Indian Embassy intervention on her behalf, the sponsor agreed to pay her $1,325 (500 dinars) of the $2,330 (880 dinars) she was owed. On November 12 Sangita returned home.

During the year the Embassy of the Philippines reported that 446 distressed Filipino workers were repatriated, 89 percent of whom were women. Nearly all of these women were domestic workers. This compares to 210 repatriations in 2005. The workers claimed that they faced a range of problems including maltreatment, physical and sexual abuse, and non-payment of salary. The Philippine Embassy's shelter for victims of abuse reported that 749 workers over the year, compared with 466 in 2005, ran away from their sponsors for reasons of alleged abuse. Statistics on other nationalities were not available.

Several NGOs provided assistance to trafficking victims with the Government's approval. They include the MWPS, The Art of Living Foundation, the Indian Community Relief Fund, and the BHRWS. The MWPS, which operated a shelter for victims, reported that it received up to 20 pleas of help from expatriate workers in distress every month. On average the MWPS said that 40 percent of the cases constituted severe abuse.

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.

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.

Greater emphasis has been given in recent years to public building designs that incorporate access for persons with disabilities; however, the law does not mandate access to nonresidential buildings for persons with disabilities.

Since January 2005, new public buildings in the central municipality must include facilities for persons with disabilities.

Society tended to view persons with disabilities as persons in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for persons with disabilities who wish to work. The 1976 Labor 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 1963 Citizenship 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. There were reports that the citizenship law was not applied uniformly, and 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.

In September, in the wake of allegations from the public of a wave of naturalization for political purposes, the minister of interior denied that such naturalization had taken place and announced that 5,000 people had been naturalized according to the law over the previous three years.

Other Societal Abuses and Discrimination.—The law does not criminalize homosexual relationships between consenting adults of at least 21 years of age. According to BHRS reports of violence or discrimination against homosexuals were not common. Also, persons with HIV/AIDS did not commonly experience discrimination. However, 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 2002 Workers Trade Union Law grants workers, including non citizens, the right to form and join unions. Public sector workers may join trade unions, but their unions are not officially recognized by the Government. Twenty-two percent of the private-sector labor force belonged to unions. The trade union law of 2002 established a union federation, the General Federation of Bahrain Trade Unions (GFBTU), which all unions had been required to join, until new legislation this year allowed for the establishment of additional federations.

The law prohibits unions from engaging in political activities.

New labor legislation enacted during the year provided protection to workers terminated for their union activities and required 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. In February 2005 the High Civil Court rejected a case filed by the Federation on the right of civil servants to organize.

b. The Right To Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Unions can be formed at establishments of any size. Employers and the Government are required to treat unions as independent judicial entities.

The law states that "the right to strike is a legitimate means for workers to defend their rights and interests"; however, the law also restricts this right. The law requires arbitration before a vote to strike and a two-week notification that a union intends to strike. A new law lowered the vote threshold from 75 percent to a simple majority vote of a union's members.

Although government sources say 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.

On November 20, the Prime Minister issued an executive order with language expanding the 2002 Labor Union Law vital sector definition. Under the new 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.

Expatriate workers from several companies carried out unauthorized strikes throughout the year. In nearly all cases, the workers were not members of unions, but joined in a show of strength. Even though the workers were not union members, and therefore, the strikes were illegal, employers negotiated over worker demands rather than dismiss large numbers of workers.

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. There were reports that such practices occurred, particularly in cases of domestic workers and those working illegally (see section 5). There were no reports of forced or compulsory child labor.

Foreign workers, who make up 57 percent of the workforce (76 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 (see section 6.e.).

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 (see section 6.e.).

According to foreign embassies and NGOs, it was estimated that there were 50,000 foreign domestic workers in the country who are predominantly of 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 (e.g. Sri Lanka) 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.

On November 23, the Government officially opened a shelter to protect female victims of trafficking and victims of domestic abuse. The shelter can accommodate 60 to 80 women and their children.

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 (see section 6.c.).

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 for their families. 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 Labor 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, including a maximum of 48 hours per week. Except for Muslims during Ramadan when work should not exceed six hours per day and 36 hours per week, workers are entitled to one day of rest after six consecutive days of work and to annual paid vacations of 21 days after one 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 over 60 hours per week. The Labor Inspectorate conducts periodic, comprehensive inspections of private sector enterprises, including verification of employee hours and wages.

The MOL set occupational safety and health standards and effectively enforced them by performing workplace inspections. A team of 15 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 on several workplace deaths, but exact figures were not available.

The ministry enforced the Labor Law with periodic inspections and routine fines for violators. In 2005 ten 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 15. Trained inspectors visited labor camps to verify if workers' accommodations met required safety and hygiene standards. The inspectors were only authorized to inspect premises that have 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 3,059 complaints during the year, including those from domestic workers. On average there were six complaints from domestic workers per month. Ministry officials said that they were able to resolve approximately 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 Labor 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. On September 16, two trucks, one transporting 23 workers and the second carrying seven, collided resulting in the injury of 28 workers, six of them seriously. Three weeks later, a truck carrying over 30 laborers collided with a tractor trailer killing three of the workers and injuring another 28. On December 19, MOL officials announced that a ban on the transport of workers in open trucks would be enforced within one month.

The press reported the deaths of several workers at construction sites during the year. Numerous workers reportedly suffered injuries on the job. The MOL routinely recommended that construction companies give their workers a midday break during the summer months. The ministry's recommendations were not binding, however, and numerous workers reportedly suffered heatstroke.

EGYPT

The Arab Republic of Egypt, with a population of approximately 79 million, has been governed by the National Democratic Party (NDP) 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 of the republic and the cabinet. In September 2005, President Hosni Mubarak won a fifth 6-year term, with 88 percent of the vote, in the country's first multi-candidate Presidential election, a landmark event that was otherwise 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. These included limitations on the right of citizens to change their government; a state of emergency, in place almost continuously since 1967; torture and abuse of prisoners and detainees; poor conditions in prisons and detention centers; impunity; arbitrary arrest and detention, including prolonged pretrial detention; executive branch limits on an independent judiciary; denial of fair public trial and lack of due process; political prisoners and detainees; restrictions on civil liberties—freedoms of speech and press, including internet freedom; assembly and association; some restrictions on religious freedom; corruption and lack of transparency; some restrictions on NGOs; and discrimination and violence against women, including female genital mutilation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of targeted political killings nor were there any confirmed reports of deaths in custody in police stations or prisons during the year. On January 23, the independent newspaper Al-Masry Al-Youm reported that 19 Islamist prisoners had died in captivity of unspecified causes during the preceding six months. By year's end, there had not been any public governmental or NGO investigation of this story.

On March 25, a plainclothes Alexandria police officer from the Montazah station allegedly shot and killed 19 year-old Youssef Khamis Ibrahim after Youssef refused to allow the officer to search him. A police spokesman later said Youssef was suspected of being a drug dealer, charges his family denied. Immediately following Youssef's funeral on March 25, a number of mourners attacked the Montazah police station; eight rioters were arrested. Two Members of Parliament from Alexandria submitted requests to the minister of interior and the Parliament to conduct official inquiries, but by year's end there had been no additional developments.

On September 7, the Egyptian Organization for Human Rights (EOHR) reported that 81 detainees were tortured to death inside police stations between 2000 and 2004 and that 21 detainees were reportedly tortured to death in police stations between April 2004 and July 2005. EOHR further reported that detainees were kicked, burned with cigarettes, shackled, forcibly stripped, beaten with water hoses, and dragged on the floor. There were no reports of death by torture during the year.

During the year, there were killings by terrorist groups. On April 24, three suicide bombers attacked the Red Sea resort of Dahab, killing at least 20 persons and injuring more than 100 others. On April 26, suicide bombers separately attacked a Multinational Force and Observers (MFO) vehicle in the northern Sinai (near Al-Gorah) and an Egyptian security vehicle (near Al-Arish). There were no casualties other than the bombers. According to police sources, the attackers were members of Al-Tawhid wa Al-Jihad (Monotheism and Holy War), a Sinai-based extremist group.

By mid-May, in response to the Dahab and Gorah attacks, the police announced they had detained at least 30 suspects, while at least 9 other suspects had been killed during exchanges of gunfire with the authorities. On May 9, according to media reports, security forces killed an alleged operational planner of the Dahab attacks, as well as previous Sinai terror attacks (in October 2004 in Taba and July 2005 in Sharm el-Sheikh), Nasser Khamis al-Mallahi, near al-'Arish in the northern Sinai.

On December 3, police in the northern city of Damietta shot and killed three fishermen, and injured 30 others, after the fishermen resisted police efforts to remove their fish traps from the Nile. The police were attempting to implement a new government policy to reduce water pollution; the fishermen were protesting the forcible removal of their traps. By year's end there had been no public investigation into the Damietta deaths.

Several reported cases from 2005 of killings by security forces remained unresolved. On March 27, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions reported that the Government denied that security forces were responsible for the death of 34-year old detainee Nefissa Zakariyya Al-Marakby in March 2003. The Special Rapporteur said the Government had failed to substantiate this denial and noted that the autopsy results provided by the Government were "consistent with sexual mistreatment." The Special Rapporteur also said that "it was especially troubling that the interviews were not conducted with the other detainees and members of the security forces who were potential witnesses."

The UN Special Rapporteur also regretted that the Government "failed to cooperate with the mandate . . . given by the United Nations Commission on Human Rights" regarding allegations that an unnamed Egyptian police officer from the Atlas (Cairo) police station, in October 2005, had shot a bus driver, Alaa Mahmoud

Abdel Lateef, and his friend Mohamed Adly. The UN report further stated that although Egyptian authorities had detained and investigated the police officer for four days, the Government had not replied to the Special Rapporteur's request that the Government take "all necessary measures" to ensure the accountability of the guilty party.

Regarding the Government's response to allegations of excessive use of force by security forces in the deaths of 27 Sudanese migrants in December 2005, the Special Rapporteur noted that the Government had rejected the allegations "without adequate substantiation." The Special Rapporteur regretted "that the Government's response consists of conclusory denials that lack factual substantiation that would be provided by investigations and medical examinations." The Government replied that "the loss of life resulted from the chaos and the stampede invoked by the extremist leaders of those demonstrators and not by . . . use of excessive force or firearms on the part of the police."

During the year, the Government did not conduct any public investigation or disciplinary proceedings in the cases of the killings of 11 citizens by security forces during the parliamentary elections of November and December 2005. Most of these deaths had occurred after security forces closed hundreds of polling stations to opposition voters.

b. Disappearance.—There were no reports of politically motivated cases of disappearance.

Human rights monitors continued to call attention to unresolved disappearances, including the 2003 disappearance of Egyptian journalist Reda Hilal.

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 acts of civil servants or public employees who commit or order acts of torture. However, torture and abuse of prisoners and detainees by police, security personnel, and prison guards remained common and persistent.

Torture and authorizing torture are felonies punishable by 3 to 10 years' imprisonment. For deaths resulting from torture, the crime is considered intentional murder punishable by a life sentence. Arrest without due cause, threatening death, or using physical torture are punishable by imprisonment. Abuse of power to inflict cruelty against persons is punishable by imprisonment and fines. Victims may also bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases.

Amnesty International (AI), Human Rights Watch (HRW), and other human rights organizations have observed that 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.

According to HRW in a December 23 statement, "Torture is pervasive in Egyptian detention centers." There were numerous, credible reports that security forces tortured and mistreated prisoners and detainees. Domestic and international human rights groups reported that the State Security Investigations Service (SSIS), police, and other government entities continued to employ torture to extract information or force confessions. In prominent cases, defendants alleged that police tortured them during questioning (see sections 1.e. and 2.c.). Although the Government investigated torture complaints in some criminal cases and punished some offending police officers, punishments generally have not conformed to the seriousness of the offenses.

Principal methods of torture reportedly employed by the police and the SSIS included stripping and blindfolding victims; suspending victims from a ceiling or doorframe with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electrical shocks; and dousing victims with cold water. Victims frequently reported being subjected to threats and 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 male and female detainees and children, reported sexual assaults or threats of rape against themselves or family members. While the law requires security authorities to keep written records of detentions, human rights groups reported that the lack of such records often effectively blocked investigations.

The Emergency Law—applied almost continuously since 1967 under a declared state of emergency—authorizes incommunicado detention for prolonged periods. Detentions under this law frequently were accompanied by allegations of torture. On April 30, the Government extended the State of Emergency until May 2008. Following terrorist attacks in October 2004 and April and July 2005, the authorities

conducted mass arrests of hundreds of persons allegedly linked to the lead suspects and reportedly tortured some of them in custody (see section 1.d.).

On December 6, approximately 100 lawyers and civil society activists, representing 40 human rights organizations, attended a protest at the Lawyers' Syndicate in Cairo against "the crimes of torture committed by the security services." During the year human rights activists began to call attention to approximately a dozen amateur videos—taken by observers with mobile phone cameras and circulated on the internet—which appeared to document abuse or torture of detainees by security officials.

In 2004 the Government's Central Audit Agency directed the Ministry of Interior to require any security or police officers found responsible for torture to be financially liable for any judgments levied against the ministry. According to the Human Rights Association for the Assistance of Prisoners (HRAAP), there were at least 2 instances of courts awarding punitive damages during the year to victims of police abuse.

Numerous cases of torture were documented. On September 7, EOHR issued a report on cases of torture and death in police stations. The report recorded 156 cases of torture between 2000 and 2004 (75 nonfatal) and 59 cases (38 nonfatal) between April 2005 and April 2006. The report said that detainees were kicked, burned with cigarettes, shackled, forcibly stripped, beaten with water hoses, and dragged on the floor.

In early March, three Britons, released from prison after a 2004 conviction by the Supreme State Security Emergency Court for belonging to a banned organization, alleged that security personnel had mistreated them through sleep deprivation, beatings, and unsanitary prison conditions, and that security personnel had tortured one of them with an electric prod (see section 1.e.).

On March 30, Muslim Brotherhood (MB) member Mohammed Nagui testified to the Public Prosecutor that SSIS officers in Al-Haram had arrested and tortured him. He specifically accused officers Mahmoud Nour El-Din and Ibrahim Abdel Gawad of stripping him naked and torturing him with electrical shocks.

On June 5, according to EOHR, officers at the Ain Shams police station beat and sexually assaulted Seham Mamdouh Mahmoud. The police briefly detained her, then repeatedly kicked her in the abdomen as she fought off an officer's attempt to sexually assault her. Seham was released that night. At year's end, authorities had not investigated the incident or punished the officer.

Authorities used force to disperse peaceful, unauthorized demonstrations. On May 25, opposition activists demonstrated at the Journalists' Syndicate in Cairo to mark the one year anniversary of "Black Wednesday." (During the May 25, 2005 national referendum, pro-government thugs, allegedly including undercover security personnel, attacked several groups of opposition protesters and journalists, and sexually assaulted several women journalists and protesters.) In late 2005, the public prosecutor closed the investigation into these assaults, claiming that that it was not possible to identify the perpetrators, many of whom were documented on video as they assaulted opposition demonstrators and journalists. No police officers were prosecuted for the abuses.

On May 26, according to EOHR and other widely circulated reports, police tortured Kifaya activists Muhamed al-Sharkawy and Karim al-Shaeer, who had been detained in the aftermath of the May 25 demonstration, at the Kasr al-Nil police station. (The Kifaya, or "Enough," Movement staged multiple demonstrations throughout the 2005 calling for political reform.) According to Sharkawy's own account, police severely beat him at a building on Abdel Khalek Tharwat Street and then took him to Kasr al-Nil police station, where they tortured, and reportedly sodomized him. Police also beat Shaeer, detained him at the Kasr al-Nil police station, and transferred him to the custody of SSIS. A dozen Tora Prison detainees, all opposition and pro-democracy activists, launched a hunger strike on May 29 to protest Sharkawy's treatment, and other protests took place in front of the Doctors' syndicate on May 30 and outside the Kasr al-Nil police station on June 1. Sharkawy and Shaeer remained in detention without charge until their release in July.

In late November, the security forces detained a group of students in Cairo and Alexandria (including 11 Western citizens and an unknown number of Tunisians, Syrians, and Egyptians), apparently on suspicion of having connections to networks recruiting Islamist extremists to fight in Iraq. Some of the Western detainees claimed that the SSIS tortured them at the SSIS office in Nasr City (north Cairo) with beatings and electric shocks, administered while the detainees were blindfolded and handcuffed. The detainees also reported that the SSIS deprived them of sleep, and forced to watch as other detainees were tortured. In December, the Western students were deported. According to AI, the Tunisians remained in detention at

year's end. There was no information available at year's end about the status of the Egyptian and Syrian students.

During the year, the Government continued efforts to hold some security personnel accountable for torturing prisoners in their custody; however, the Government also continued to give light sentences to police officers convicted of serious abuses. Human rights organizations and the press reported that at least seven police officers in seven separate cases, faced criminal trials or civil suits during the year. Some of the cases involved incidents that took place in previous years.

On May 28, the Azbakeya Misdemeanor Court sentenced officers Amr Saudi and Yasser Al Tawel, of the Azbakeya Police Department, to three months in prison and a $17 (LE 100) fine for beating Hossam Al Saeed Mohamed Amer, who had been accused of counterfeiting in 2003.

On June 3, the public prosecutor referred SSIS Captain Ashraf Mostafa Hussein Safwat Abdel Qader to Felony Court for torturing detainee Mohamed Abdel Kader al-Sayed to death in 2003. After court sessions on June 22 and November 4, the court postponed the trial until February 3, 2007. Also on November 4, the victim's family annulled the power of attorney it had given to its lawyers, the Association for Human Rights and Legal Assistance (AHRLA), and dropped its claim for civil damages. AHRLA accused the SSIS of pressing the family to drop the civil suit against Captain Ashraf in exchange for the release of another family member who had also been detained since 2003. Several human rights organizations have called attention to the fact that this case marks the first government prosecution of an SSIS officer (as opposed to a regular police officer) in at least two decades.

On June 5, a misdemeanor court in Port Said convicted a police captain, Ahmed Tawfik Aly, of abusing a detainee, opposition activist Mohamed Hegazy, in April 2005. The court sentenced the police officer to one year in prison, but suspended the sentence.

On December 26, Cairo prosecutor Bakr Ahmed Bakr ordered the detention of two police officers, Islam Nabih and Reda Fathi, in connection with the January 18 sexual assault (including sodomy with a stick) of Cairo mini-bus driver Imad Al-Kabir. A widely-circulated Internet video clip documented the attack on Imad and generated considerable public attention. HRW had issued an appeal on December 23 for the prosecution of Imad's attackers. At year's end, police officers Islam and Reda remained in detention, denied bail and awaiting trial.

In 2004 the public prosecutor indicted police Major Yasser Ibrahim al-Akkad, head of the criminal investigations unit at Haram Police Station in metropolitan Cairo, for torturing actress Habiba while investigating the 1999 killing of her husband. At year's end, the case against al-Akkad, who claimed that Habiba willingly confessed, remained unresolved.

In April 2005, two defendants facing prosecution for their alleged roles in the October 2004 bombings in Taba filed a lawsuit against the interior ministry, charging that their confessions had been obtained by torture. The lawsuit remained pending at year's end. On November 30, a state security court in Ismailiya convicted the defendants of involvement in the Taba bombings, sentencing them to death. At year's end they remained on death row.

In March 2005, six police officers were convicted of torturing to death Ahmed Khalil Ibrahim in 2002, and each was sentenced to 10 years' imprisonment; the sentences were reduced to 7 years by an appeals court. AHRLA filed a civil suit on behalf of Ibrahim's family, seeking $1.6 million (LE 10 million) in compensation. The family's civil suit remained unresolved at year's end.

The Egyptian Initiative for Personal Rights (EIPR), supported by approximately a dozen other human rights NGOs, petitioned the African Commission for Human and People's Rights (the African Union's principal human rights body, headquartered in The Gambia) to hear evidence concerning assaults by government supporters on journalists and opposition demonstrators during the May 2005 referendum. The commission agreed to consider the merits of EIPR's claims that the Government failed to prevent and prosecute physical and sexual attacks on female journalists and demonstrators in May 2007.

The Government did not permit a visit during the year by the UN Special Rapporteur on Torture, who had been seeking to make an official visit since 1996.

Prison and Detention Center Conditions.—Prison conditions remained poor, and the Government did not permit visits by international human rights observers. During the year, officials from the National Council for Human Rights (NCHR), who visited several prisons were the only domestic human rights group permitted to visit detention facilities. EOHR and HRAAP both stressed the deteriorating conditions in prisons, especially overcrowded cells and a lack of medical care, proper hygiene, food, clean water, proper ventilation, and recreational activities. Tuberculosis was

widespread; overcrowded cells remained a problem. Some prisons continued to be closed to the public.

On November 6, an estimated 800 detainees at Abu Zaabal prison staged a hunger strike in protest of mistreatment and the lack of visitation rights. At Tora Prison, south of Cairo, prisoners launched several hunger strikes over the course of the year. In April, 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 AIDS among prisoners.

In April 2005, EOHR issued a report, based on prison visits made in 2004 and on complaints received from approximately 100 prisoners, that attributed the cause of poor health and sanitary conditions in prisons to the poor quality food given to the prisoners, overcrowding in cells, and the absence of specialized doctors, medicines, or medical equipment. HRAAP's 2004 report came to similar conclusions.

Failure to implement judicial rulings regarding the release of administrative detainees and the opening of prisons to 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; however, findings were not made public. SSIS detention centers were excluded from mandatory judicial inspection.

While separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles, and abuse of minors was common.

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 (see section 1.d.). 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.

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, generally for periods lasting several weeks (see section 1.e. and 2.b.). 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 detained several hundred Sudanese asylum seekers in late December 2005, and released them in January.

The Government also arrested, detained, and abused several internet bloggers (see sections 1.c. and 2.a.).

There were varied and conflicting estimates of the number of extraordinary detainees (i.e. citizens held by the Government, often without trial, for alleged political crimes). Credible NGOs estimated that there were 6,000–10,000 detainees in addition to those prisoners in the ordinary criminal justic system. The Government did not release any official data on detainees. Citing a senior interior ministry source, a leading journalist, Salama A. Salama, reported on April 23 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. In other cases, generally involving Islamist extremists belonging to the Islamic Group or Islamic Jihad who were initially detained by the Government during the 1990s, detention periods of more than ten years occurred.

Role of Police and Security Apparatus.—The country has both local and national law enforcement agencies, all of which fall under the Ministry of Interior. Local police operate in large cities and governorates. The ministry controls the State Security Investigations Service (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 Anti-Narcotics 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 preserve 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. An internal affairs mechanism, the workings of which are not publicized, was

regularly employed for investigating corruption and other instances of police malfeasance. Judicial recourse was also employed (see section 1.c.). In addition to acceptance of bribes or simple theft, there were instances of accompanying assault and even 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.

Working with the UN Development Program (UNDP), the Government has continued to provide human rights training for thousands of judicial and law enforcement officials. Ongoing programs target judges, prosecutors, police officers, media figures, and lawyers "to familiarize Egyptians with international standards of human rights . . . as well as Egypt's treaty commitments." Despite these training programs, however, there were continued instances of torture by police, and human rights monitors believed the use of torture by police was widespread. Although some police were prosecuted, human rights monitors believed most incidents of torture went unpunished. Security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and engage in mass arrests.

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 on May 25, July 30, during the parliamentary elections, and during the December 30, 2005 violence against Sudanese asylum seekers (see sections 2.b., 2.d., and 3).

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, and may resubmit a motion for a hearing at one-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 UN Committee Against Torture both expressed concern over the application of measures of solitary confinement.

In cases tried under the Emergency Law, access to counsel was often restricted or denied 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.

The Penal Code also gives the Government broad detention powers. Prosecutors must bring charges within 48 hours following detention, or release the suspect. However, they may hold a suspect for a maximum of six 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 define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

On December 30, 2005, Egyptian police sought to clear a squatters' settlement of several thousand Sudanese asylum seekers who had occupied a Cairo park outside UN offices since September. The Sudanese had demanded that UNHCR resettle them in another country and refused to move. Police used water cannons and riot gear to clear the camp (see section 1.a.). According to police, some of the asylum seekers resisted police efforts to clear the camp. At least 27 asylum seekers died in the ensuing melee. Security forces detained approximately 700 Sudanese and threatened them with deportation. All of the refugees were released in the early part of the year.

There were also numerous arrests and detentions of non-MB opposition figures and demonstrators, particularly in connection with demonstrations in Cairo in May in support of judicial independence (see sections 2.b. and 3).

On April 28, state security briefly detained and interrogated Amir Salem and Ehab al-Kholy, lawyers for imprisoned opposition figure Ayman Nour. The investigation of Salem and El-Kholy, on charges of inciting the masses and insulting the President, came three weeks before Nour's scheduled appeal. Salem was the head of Nour's defense team.

Notwithstanding the prevailing State of Emergency, and the Government's use of the emergency law provisions (e.g., to prohibit unauthorized gatherings of more than five people, or to arbitrarily detain citizens who aroused police suspicion), the Government continued to rely on the regular penal code for the vast majority of criminal investigations and prosecutions. In those criminal cases investigated and prosecuted under the Penal Code, defendants generally had access to counsel. In cases

tried under the extraordinary State Security courts authorized by the emergency law, defendants complained of inadequate access to counsel. In recent years, thousands of persons have been detained administratively under the Emergency Law on suspicion of terrorist or political activity. Several thousand others have been convicted and were serving sentences on similar charges (see section 1.e.). During the year HRAAP estimated that the total number of persons in administrative detention was approximately 10,000. HRAAP estimated that an additional 10,000 persons have been released over the past three years. Government officials disputed this figure, but did not provide authoritative data on detainees.

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

There were numerous examples of arrest and detention of peaceful demonstrators. During April and May, authorities arrested over 500 activists for participating in demonstrations in support of the independence of the judiciary (see section 2.b.). Also during the year, the Government arrested and detained hundreds of persons associated with the MB, which has been an illegal organization since 1954.

Continuing a trend begun in 2005, the Government periodically detained dozens of MB members and supporters. Over the course of the year, the Government detained hundreds of opposition activists associated with the banned MB without charge or trial, including senior MB leaders Essam El-Erian and Mohamed Morsi, who remained in detention from May until early December as a result of their involvement in demonstrations in support of judicial independence. The precise number of MB activists in detention at year's end was unknown. Detention periods for MB members ranged from several weeks to several months, pending investigative outcomes. On October 26, HRW reported that it had collected the names of 792 MB members who had been detained between March and mid-October and that 62 of the 792 remained in custody: 33 of them without charge under provisions of the Emergency Law, and 29 of them on charges of "belonging to an illegal organization" (see sections 1.e. and 2.b.). (In 2004, by contrast, the Government arrested only 90 MB members.)

On December 10, several dozen students affiliated with the MB at al-Azhar University conducted a "militia-style" parade clad in black balaclavas and demonstrating martial arts exercises. Government and independent media commentators criticized this display and the MB leadership distanced itself from the demonstrators and reiterated its commitment to peaceful change. Nevertheless, the Government arrested several hundred MB members and sympathizers in response to the demonstration, including the organization's third-ranking official Khairat al-Shatir and several other businessmen who were thought to be leading financiers of the MB. At year's end, approximately 200 MB member remained in detention.

Amnesty.—On April 11, the Government released 300 detained former members of the militant Gama'a al-Islamiya (Islamic Group); during the previous six weeks, the Government released 650 other former militants, apparently after they disavowed violence.

On October 24, the beginning of the Eid Al-Fitr holiday, President Mubarak declared amnesties for 176 prisoners who had served half their terms in criminal cases and were pardoned for good conduct, along with 100 more members of Gama'a al-Islamiya, including two of the group's historic leaders, Essam Derbala and Assem Abdel-Maged, who were jailed in 1981 for their role in the assassination of President Anwar El-Sadat and who were the last Gama'a leaders in prison.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary. The judiciary is, however, 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. Nevertheless, during the year, thousands of judges affiliated with the Cairo and Alexandria Judges' Clubs (the two largest independent professional associations for the judiciary) publicly called for greater autonomy for the judiciary from the executive branch. The Judges' Clubs, whose leadership is selected by votes of the membership, called for the passage of a new law governing executive-judiciary relations, which would raise judicial salaries, separate judicial duties from compensation packages controlled by the Ministry of Justice (i.e. an executive branch organ), and decrease

the oversight role of the Supreme Judicial Council, a regulatory body answering to the ministry and composed of government appointees.

On June 26, the Parliament approved a new law regulating the judiciary. In a letter to President Mubarak on July 12, the UN Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy, expressed his concerns regarding the negative impact of the judicial authority law on the independence of the judiciary in Egypt. Despouy said that the Government had not consulted on the new law with "all sectors concerned, in particular the Judges' Club and experts in constitutional law, whose points of view should be duly taken into account." Despouy also raised concerns about the new law's criteria for selection and appointment of judges, its lack of recognition of the right of judges to form and join independent judges' associations, and a failure to clearly address the separation between the prosecution and the executive power. Additionally, Despouy said the new law did "not provide judges with basic fair trial guarantees," if they faced disciplinary action from the Government.

Earlier, on June 14, the Special Rapporteur had expressed his concerns about the draft judicial law, as well as the disciplinary proceeding against Court of Cassation judges, and "the violent repression of peaceful demonstrations in support of the judges and their claims for the protection of their independence."

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 civilian 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. Judges had 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 have attended hearings, but only when acting as defense counsel.

Trial Procedures.—The Government will provide a lawyer at the state's expense if the defendant does not have counsel. The Bar Association maintains a roster of lawyers eligible to serve as public defenders. Defendants can appeal if denied this right. 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 counsel the time to prepare an adequate defense (see sections 1.c. and 1.d.). A woman's testimony is equal to a man's in court. No law prohibits a woman serving as a judge; however, Tahani al-Gabali, currently serving on the Constitutional Court, is Egypt's only female judge (see section 5).

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 has used the Emergency Law to try cases outside the scope of combating terrorism and grave threats to national security.

On November 30, the High State Security Emergency Court in Ismailiya announced that the Mufti of the Republic had approved the court's conviction and

death sentences against Ossama Al-Nakhlawi, Younis Alyan, and Mohamed Gayez Sabah, for involvement in the 2004 Taba terror bombings. HRW issued a statement 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, and urged the Government to permit the men to be re-tried "in a trial that complies with basic standards of due process."

On May 17, a Higher State Security Court in Cairo began to try 14 persons charged with involvement in the Azhar and Abdul-Moneim Riyad terror bombings in Cairo in April 2005. The trial was ongoing at year's end.

On June 18, the Government executed brothers Ezzat and Hamdan Hanafi, who had been convicted and sentenced to death by a state security emergency court in September 2005 for narcotics trafficking and kidnapping. Ezzat Hanafi had issued a statement protesting his death sentence by an emergency court, which cannot be appealed, and requested that President Mubarak use his authority as "military commander" under the state of emergency to order that the case be reviewed by a panel of civilian judges. Several domestic NGOs and Amnesty International protested the executions on the grounds that trials before (Emergency) Supreme State Security Courts "violate basic principles for a fair trial, including the right to appeal before a higher tribunal"

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

On May 18, the Court of Cassation, Egypt's highest appeals court, upheld the five-year prison sentence of Ayman Nour, runner-up in the 2005 Presidential election and leader of the opposition al-Ghad (Tomorrow) Party. A Cairo court had convicted Nour in December 2005 of forging proxy signatures on his party's registration papers. Human rights organizations and Nour's supporters said his detention and trial had been politically motivated and failed to meet basic international standards. Nour's situation has been closely followed by the international community, as well as by domestic and international human rights organizations. During the year, Nour also faced dozens of charges ranging from assault to insulting Islam. Nour's supporters asserted that these charges, raised by private citizens, were politically motivated harassment. His family and supporters reported that his health was deteriorating as a result of imprisonment. Nour, a diabetic with heart disease, remained in prison at year's end.

On October 31, a military court convicted independent parliamentarian Talaat Sadat, nephew of former President Anwar Sadat, of defaming the Egyptian military, and sentenced him to one year of prison with hard labor and no possibility of appeal. In interviews on October 4, Sadat publicly alleged that the Egyptian military, including then-Vice President Mubarak, had conspired to assassinate President Sadat in 1981. Prior to his trial, the Parliament had stripped Sadat of his parliamentary immunity (see section 2.a.).

During the year, the Government continued to try and convict journalists and authors for libel, as well as for expressing their views on political and religious issues (see sections 2.a. and 2.c.).

Some observers regarded the large number of arrested, detained, and sometimes convicted (see sections 1.d. and 2.b.) members of the Muslim Brotherhood as political prisoners and detainees.

Other political prisoners included approximately 26 members of the banned Islamic Liberation Party (Hizb al-Tahrir al-Islami), including three Britons, Maajid Nawaz, Ian Nisbet, and Reza Pankhurst. In 2004, the 26 men linked to Hizb al-Tahrir were convicted by the Supreme State Security Emergency Court of belonging to a banned organization. Several of the defendants, including the three Britons, alleged they had been tortured to compel them to sign confessions. In early March, the three Britons were released and deported to the United Kingdom. After their release, they told British reporters that security personnel had mistreated them through sleep deprivation, beatings, and unsanitary prison conditions, and that security personnel had tortured Pankhurst with an electric prod. They also said that other prisoners had also suffered torture, including by electrical shocks. The 23 other Hizb al-Tahrir convicts reportedly remained in prison at year's end (see section 1.c.).

According to local human rights organizations, the Government detained as many as 10,000 persons without charge on suspicion of illegal terrorist or political activity (see section 1.d.). 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 (see section 1.c.).

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.

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. Under the constitution, police must obtain warrants before undertaking searches and wiretaps. Courts have 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. However, 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.

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. 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 (see sections 1.c, 1.e., and 2.a.).

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 to infringe on civil liberties. 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, and related issues. Several independent newspapers played an important role in public life. For example, the daily Al-Masry Al-Youm, which focuses on domestic politics, has grown from its first run of 500 copies in 2004 to a circulation of over 60,000 during the year and has offered significant, independent coverage of the May demonstrations supporting judicial independence, Muslim Brotherhood activities, government corruption, and other controversial topics.

During the year, a number of opposition political activists, journalists, and nongovernmental organizations continued to advocate political reform and openly criticized the Government. The year witnessed a number of government actions, including disciplinary hearings against independent judges, widescale detentions of MB members, and lawsuits against independent journalists that led some opposition figures to charge that the Government was seeking to curtail criticism and activism.

On October 31, a military court convicted independent parliamentarian Talaat Sadat of "spreading false rumors and insulting the Armed Forces" and sentenced him to one year in prison, with no possibility of appeal. In early October, police arrested Sadat after he publicly accused Egyptian military commanders, including then-Vice President Mubarak, of complicity in the 1981 assassination of his uncle, former President Anwar Sadat. Sadat had given a series of interviews—including to Deutsche Presse-Agentur and to the Egyptian television programs Cairo Today and Sorry for the Disturbance—prior to the 25th anniversary of the assassination (see section 1.e.). Sadat remained imprisoned at year's end.

The Penal Code, Press Law, and Publications Law govern press issues. The Penal Code stipulates fines or imprisonment for criticism of the President, members of the Government, and foreign heads of state. The Press and Publication Laws ostensibly provide protection against malicious and unsubstantiated reporting. In recent years, opposition party newspapers have published articles critical of the President and foreign heads of state without being charged or harassed; however, the Government continued to charge journalists with libel. 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.

On July 10, the People's Assembly amended sections of the penal code governing the press by adding minimum sentences of high fines or jail for journalists who criticize foreign leaders or the President. Despite a pledge by President Mubarak in 2004 that the Government would amend the law to eliminate jail time for journalistic offenses, the new law stipulates up to five years in prison for any journalist convicted of "vilifying" a foreign head of state. The amended law also preserved ex-

isting articles which allow for detention of "whoever affronts the President of the republic" as well as journalists whose work might "disturb public security, spread horror., or cause harm to . the public interest."

The constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There were numerous restrictions on legal entities that sought 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.

During the year, the courts tried several prominent libel cases, filed both by government officials and private citizens. On February 23, a Cairo criminal appeals court upheld the April 2005 conviction and one-year prison sentence of journalist Abdel Nasser al-Zuheiry for libeling Mohamed Ibrahim Soliman, who had served as minister of housing until the end of 2005, as corrupt. The court overturned the prison sentences of Zuheiry's colleagues Youssef el-Aoumi and Alaa Yaha Mohamed el-Ghatrify, but upheld fines of $1,750 (LE 10,000) for all three journalists. In a statement issued on March 3, Soliman announced that he was withdrawing his defamation complaint against the three journalists, along with more than 30 other defamation complaints that Soliman had filed. The Minister of Information, the Higher Press Council, and the head of the Egyptian Journalists' Union reportedly played a role in convincing Soliman to drop his case.

On February 27, a State Security prosecutor reportedly summoned opposition journalists Iman El-Ashraf (Sawt El-Ummah) and Mohammed El-Malhy (Dustour) for interrogation in Cairo on charges of defaming Counselor Ezzat Agwa, who was a candidate for Chairman of the Judges Club in Alexandria.

A judge accused of electoral fraud pursued high-profile libel charges against three journalists and a lawyer, but eventually dropped the case after Egypt's highest court indicated in a separate finding that the judge may in fact have participated in fraud. Judge Mahmoud Seddiq Borham sued Wael Ibrashi, editor of Sawt Al Umma; Hoda Abu Bakr, a reporter with Sawt Al Umma; Abdel Rahim Al Shami, editor of the banned Afaq Arabia, and Gamal Tageddin, of the Bar Association, for their respective claims that Judge Borham had committed fraud during the 2005 parliamentary elections when he served as a poll supervisor. Borham launched his case on May 24, but dropped it on November 30 after the Court of Cassation ruled that the parliamentary results that Borham had supervised should be annulled due to fraud (Borham was the same judge who filed the complaint that led to disciplinary action against fellow judges Hisham Bastiwesi and Mahmoud Mekki. See section 3).

On June 26, a Giza misdemeanor court found Al-Dustour chief editor Ibrahim Issa and reporter Sahar Zaki guilty of "insulting and harming the President of the republic." A group of "concerned citizens" from the village of Al Warrak had filed the lawsuit after Al-Dustour had published a story in April 2005 about a complaint filed by citizen Sayid Mohamed Abdullah Soliman, who had accused President Mubarak, his family, and senior officials of unconstitutional conduct and wasting foreign aid during the privatization of several public companies. Issa and Zaki received one-year prison sentences with labor and were each fined $1,735 (LE 10,000). Litigant Soliman was also sentenced to jail time and fined. At year's end, Issa, Zaki, and Soliman remained free pending their appeal.

Security personnel arrested or detained more than a dozen Egyptian journalists and a handful of foreign correspondents over the course of the year.

On April 12, prison authorities banned jailed opposition leader Ayman Nour from writing for his party's mouthpiece newspaper from jail reportedly because his articles were critical of senior officials in the ruling National Democratic Party.

On April 27, security forces in Dahab arrested Al-Jazeera's Cairo bureau chief, Hussein Abdul Ghani, after he mistakenly reported news of a clash between security forces and terrorists in the Delta governorate of Sharqiya. (No clash occurred. Al Jazeera retracted its story later on April 27.) A prosecutor charged Abdul Ghani with reporting "false information likely to harm the country's reputation." Abdul Ghani paid bail of L.E. 10,000, and was released. By year's end, Abdul Ghani had faced no additional judicial proceedings.

There were a number of detentions of journalists in connection with May demonstrations in support of judicial independence in Cairo. On May 3, security forces detained Osama Abdel Nabi, a photographer for Al-Masry Al-Youm newspaper. On May 7, security forces detained Nada Al-Qassas, journalist for Al-Mawqif Al-Araby newspaper. On May 11, security forces detained a Turkish television cameraman Hussein Mohsen and Al Jazeera journalists Lina Al-Ghadban, Mohammed Al-Daba', Yasser Seliman, and Nasr Youssef. Also on May 11, security personnel arrested Al-Dostour journalist Abeer Al-Askary while she covered a demonstration at the Cairo Lawyer's Syndicate building. According to credible reports, the police took her to a nearby station where they tore her clothes and beat her.

On May 19, security personnel briefly detained Associated Press correspondent Nadia Abul Magd in Sharm El Sheikh outside the meeting of the World Economic Forum, reportedly because she had strayed into a security zone near the conference center.

On May 21, police arrested Al-Karama journalist Hamada Abdul Latif in Dekernes for photographing a clash between security forces and farmers. He was released four days later. Also on May 21, police detained Al-Tagammu newspaper correspondent Beshir Sakr, Al-Karama newspaper correspondent Mohammed Abdel Latif, French journalists Élvis Younil and Jean Claude, Swiss journalist Gejoire Deboire, and Belgian journalist Thomas Geithaid.

On June 2, BBC correspondents Dina Samak and Dina Gameel reported that police assaulted them after they attempted to cover a meeting of the General Assembly of the Journalists' Syndicate.

On October 8, Reporters Without Borders (RSF) reported that security forces had harassed and threatened Summer Said, a journalist working for Reuters, in connection with her research and reportage focused on the detention of Islamist political activists.

On November 14, plainclothes security personnel prevented journalists from covering a demonstration in downtown Cairo to protest sexual harassment of women. The Cairo correspondent for Radio France and the French daily Liberation, Claude Guibal, told RSF that the security personnel had prevented her from reaching the demonstration, even though she identified herself and presented her journalism permit. She was told to leave the area for "security reasons." Security officers then briefly surveilled Guibal in an apparent effort to make sure she did not return to the scene of the demonstration. She later told RSF that she felt "clearly threatened and physically intimidated."

Other government agencies also restricted freedom of speech. The Ministry of Education questioned 16-year-old Alaa Farag Megahed in June after the student wrote an essay criticizing President George W. Bush as well as the Egyptian government. School officials initially sought to ban her from taking her examinations, but high-level government intervention eventually allowed her to resume her studies.

The Government closed at least one newspaper during the year. On March 8, the government-controlled Higher Press Council suspended publication of Afaq Arabiya, a newspaper published by the Ahrar Party which served as a mouthpiece for the Muslim Brotherhood, due to a dispute among the newspaper's board members. Afaq Arabiya remained closed at year's end.

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 the ban 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. In October, Al-Azhar banned the book Daily Life in the Medieval Islamic World, by James E. Lindsay, on the grounds that it contained information not in accordance with the principles of Islam. Also in October, the Egyptian Censorship Office and confiscated 280 copies of Mohamed Fattoh's Modern Sheikhs and the Making of Religious Extremism from Cairo's Madbouly bookstore on the grounds that the publisher had not acquired a license from Al Azhar. The book criticized Al Azhar and its censorship of art and literature. There was no official court decision to confiscate the book.

The Ministry of Interior regularly confiscated leaflets and other works by Islamists and other critics of the state. Members of the banned MB also were ar-

rested in connection with publications (see sections 1.d. and 3). In many cases, the press reported that police confiscated written materials such as leaflets during the arrests. In February, the authorities banned editions of the German magazine Der Speigel, which contained reprints of the Danish cartoons of the Prophet Muhammad and in September the authorities banned the importation of editions of Le Figaro and the Frankfurter Allgemeine Zeitung because of articles deemed insulting to Islam.

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. The percentage of citizens who received satellite television broadcasts has grown steadily.

Internet Freedom.—Approximately five million persons used the Internet, which the Government has actively promoted through low cost access. The Government blocked access to some sites and monitored the Internet (see section 1.f.).

On June 27, RSF issued a statement protesting the decision by the Administrative Court to uphold a Ministry of Communication and Information decree asserting the Government's right to block, suspend, or shut down any Web site deemed to threaten national security. Judge Faruq Abdul Qader had ruled that authorities should "do their duty" when they perceived a threat to national security.

On October 30, RSF published a list of 13 countries it labeled as "enemies of the Internet," a list which included Egypt due to the recent imprisonment of pro-democracy bloggers. The blog aggregator egybloggers.com listed more than 1,400 Egypt-focused blogs at year's end. According to estimates by individual Egyptian bloggers at the end of the year, the actual number of bloggers in Egypt may be as high as 6,000.

During the year, the Government, which has previously blocked Islamist Web sites, increasingly blocked secular sites as well. While there is so specific legislation regarding blocking of Web sites, the authorities may force Internet service providers to block sites on public safety or national security grounds. On January 27, the Government reportedly blocked the Web site Save Egypt Front (saveegyptfront.org) and on March 3 blocked Masreyat (masreyat2.org/ib/). Use of encoding devices is prohibited by the Telecommunications Act.

On May 7, security forces arrested prominent blogger Alaa Seif Al-Islam (www.manalaa.net), and detained him at Tora Prison until June 22. The authorities never charged him; observers believed that his detention appeared linked to his participation in demonstrations in support of judicial independence, and not due to his role as a blogger. The security forces detained at least five other democracy activists who were also bloggers during the same general period as Alaa: Malek Mostafa from April 26–June 4; Asma Ali from May 7–June 4; Karim Al Shaer from May 7–22 and May 25–July 20; Mohamed Adel from May 7–27; and Mohamed Sharkawy from April 27–May 22 and May 25–July 20. Sharkawy was tortured while in detention in late May (see section 1.c.).

On June 15, Hala Helmy Boutros, a blogger based in the Upper Egypt city of Qena who had written about Egypt's Christians, reported that airport security personnel in Cairo prevented her from traveling to the United States to attend a conference on Coptic Christian issues. The authorities ordered Boutros, who had blogged under the name "Hala Al Masry," to appear in a Cairo State Security Court on June 25. At her June 25 hearing, Boutros faced charges of spreading false news and disrupting Christian-Muslim relations. She was released after paying bail of $525 (LE 3000). After her release, she ceased her blogging and other public activism. She did not appear in court again before year's end.

On November 6, Alexandria security forces arrested 22-year old student blogger Abdel Karim Nabil Suleiman, whose blog entries had contained strongly-worded critiques of Islam and Al-Azhar's Sunni Muslim orthodoxy. (Abdel Karim had previously been detained for his writings for 18 days in October 2005.) Abdel Karim had been expelled and reported to the authorities by Al-Azhar University for criticizing Islamic authority. At year's end, Abdel Karim remained in detention, under a series of renewed detention orders "pending investigation."

Academic Freedom and Cultural Events.—The Government did not explicitly restrict academic freedom at 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 June 2005, HRW issued a report entitled "Reading between the 'Red Lines': The Repression of Academic Freedom in Egyptian Universities," which said that the Government stifled

academic freedom by censoring some textbooks, prohibiting certain sensitive research topics, and closely monitoring and controlling student political life. In a March 5 television interview, Minister for Higher Education Hany Hilal said that "the role of the security agency is to secure the university and guarantee the safety of the people inside it." He said that although there were a "few exceptions," the security services "do not interfere in the universities' internal affairs." Hilal also said that student elections are "the responsibility of each university."

Plays and films must pass Ministry of Culture censorship tests as scripts and final productions. 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. On June 3, the Ministry of Culture confiscated 2,000 copies of "The Da Vinci Code" DVD on the grounds that it insulted religion. Later in June, after the People's Assembly discussed banning the film, the distributor opted not to pursue an Egyptian release.

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 Ministry of Interior before holding public meetings, rallies, and protest marches. The Ministry of Interior refused to permit some political events to occur, such as the May rallies in support of judicial independence, and the Government tightly controlled public demonstrations.

In numerous incidents, authorities showed little tolerance for demonstrations by opposition groups and activists protesting government policies. For example, on January 20, police dispersed a group of Ghad Party supporters after they held up "Free Ayman Nour" signs at the entrance to Cairo International Stadium. In February in the Red Sea port city of Safaga, security forces used tear gas to disperse a demonstration by family members of victims of the February 3 sinking of the Al-Salaam Ferry.

On April 24, police arrested 15 activists and beat Judge Mahmoud Mohammed Abdel Latif Hamza for their role in protests against the February charges brought against Judges Hisham al-Bastawisy and Mahmoud Mekky. On April 27, hundreds of police sealed off the Judges Club in the face of mounting sit-in protests against Mekky and Bastawisy's charges. In April and May, security forces detained over 500 activists for participating in demonstrations in support of the independence of the judiciary.

On May 7, security forces arrested blogger Alaa Seif Al-Islam and detained him at Tora Prison until June 22. Observers believed that authorities detained him because of his participation in demonstrations in support of judicial independence (see section 2.a.).

On May 11, the scheduled day for the hearing of judges Bastawissi and Mekky, police violently dispersed a demonstration outside the Judges' Club and arrested 255 people, most of them members of the MB. In a statement to the media, the EOHR said "security forces used excessive levels of violence to end the protests." Observers estimated that approximately 10,000 security forces were deployed in and around downtown Cairo.

On May 18, riot police beat demonstrators who had gathered outside the High Court Building on the day of the hearing of senior Judges Mekky and Bastawisy. Police arrested approximately 300 demonstrators, most of them members of the MB. On May 17, the Minister of Interior issued an order banning demonstrations in front of the High Court Building.

On May 25, protestors gathered outside the Journalists' Syndicate in Cairo to mark the one year anniversary of the May 2005 referendum-day violence. (On May 25, 2005, supporters of the ruling party, possibly including undercover security personnel, assaulted opposition demonstrators and journalists, at several locations in Cairo. Journalists documented the violence, including sexual assaults on some female protestors and journalists, but in December 2005, the public prosecutor closed the official investigation into the events, claiming that it was impossible to determine the identity of the assailants. In November, the Egyptian Initiative for Personal Rights, supported by approximately a dozen other human rights NGOs, petitioned the African Commission for Human and People's Rights, to examine the case. The Commission's inquiry will commence in May 2007.)

At the conclusion of the May 25, 2006 demonstration, police arrested several demonstrators including Muhamed el Sharkawy, who later reported that police tortured and sexually assaulted him (see section 1.c.).

The authorities did allow some protests and demonstrations to occur. For example, in February, authorities permitted several demonstrations in Cairo and other

cities to protest cartoons depicting the Prophet Muhammad that had appeared in the Danish newspaper Jyllands-Posten.

Police generally responded to political demonstrations during the year with high numbers of riot police deployed by the Ministry of Interior 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 (see sections 1.c. and 1.d.).

The Kifaya movement organized several demonstrations during the year, but was less active than it had been in 2005. During a December 12 demonstration in Cairo to mark the second anniversary of the movement, Kifaya activists scuffled with police.

Members of the MB also staged a number of larger protests throughout the year, though these demonstrations, unlike those of Kifaya, often met stiff resistance from security forces (see section 1.d.).

The Ministry of Interior selectively obstructed some meetings scheduled to be held on private property and university campuses (see section 4).

In July 2005, approximately 200 demonstrators gathered in Cairo to protest President Mubarak's intention to seek a fifth term. The protesters were attacked by uniformed security forces and men in plain clothes armed with truncheons. Thirty persons were arrested and reportedly detained in unofficial detention centers, in the camps of the central security forces in Darassa, Cairo. By August 2005, all of the detainees had been released. The Government took no steps to investigate the assaults.

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.

During the year, a number of organizations active in human rights advocacy and civil society development registered and obtained legal status. However, applications of other groups, including the Egyptian Association Against Torture, the Center for Housing Rights, and the Word Center did not receive government approval. In 2005, dozens of NGOs and civil society groups worked together to pool resources, expertise, and volunteer staff to monitor and report on the Presidential and parliamentary elections. These groups did not generally receive their requested governmental accreditation, access to polling stations, and vote counts. In a number of cases their volunteers experienced harassment, brief detentions for questions by security officials, and other forms of interference. The domestic monitoring coalitions were nevertheless able to play a leading role in monitoring and reporting on the Presidential and parliamentary elections.

A July 2005 HRW report concluded that the extralegal role of the security services resulted in a serious barrier to meaningful freedom of association. The report documented multiple cases where the Government rejected NGO registrations, decided who could serve on NGO boards of directors, harassed NGO activists, and interfered with donations to the groups. The report further criticized the NGO Law's restriction on political and union-related activity and recommended legal reform to overturn the "host of intrusive administrative practices that stunt organizing by civil society groups, and provide ample means for state interference in their affairs."

On October 30, the administration of Helwan University banned several hundred students from running in the November 2 student union elections on the grounds that they were affiliated with the MB. Between October 30 and November 8, pro-government demonstrators allegedly supported by the security forces clashed repeatedly with student protesters at Helwan, Cairo, Mansoura, and Ain Shams universities. With the elimination of opposition and MB candidates, NDP student candidates won at most universities with student unions.

On November 29, members of the 9th March Movement for the Independence of Universities demonstrated at Ain Shams University to protest intimidation by security forces during student union elections earlier in November.

c. Freedom of Religion.—The constitution provides for freedom of belief and the practice of religious rites; however, the Government placed restrictions on 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 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. The percentage of Christians in the population ranged from 8 percent to 15 percent, or between 6 to 11 million, the majority of whom belonged to the Coptic Orthodox Church. There were small numbers of other Christian denominations, including Mormons and Jehovah's Witnesses, a Baha'i community of approximately 2,000 persons, and a small Jewish community of less than 200 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 Ministry of Interior 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 have chosen the latter course.

On December 16, the Supreme Administrative Court overturning a lower court ruling, decided that Baha'is may not list their religion in the mandatory religion "field" on obligatory government identity cards. In May, the Ministry of Interior had appealed an administrative court ruling issued in April, 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 had indicated that all citizens must be in possession of new computerized ID cards by January 1, 2007, and that old, handwritten cards will no longer be valid. (Egyptian citizens not in possession of valid identity documents may be subject to detention.)

Some elements of the press published articles critical of the Baha'is. For example, on October 16, Roz Al-Youssef, a pro-government newspaper, published excerpts of a government's Advisory Report, which supported the Ministry of Interior's claim to overturn the April 4 ruling. The report argued that because the Baha'i Faith was not recognized in Egypt as a "divine religion," its followers were not entitled to citizenship rights. The report argued that constitutional guarantees of freedom of belief and religion do not apply to the Baha'is, and that Egypt is not bound under its commitment as a cosignatory to the UN Universal Declaration on Human Rights. The report also asserted that Baha'is are apostates, a threat to public order, and recommended that "methods must be defined that would insure that Baha'is are identified, confronted, and singled out so that they could be watched carefully, isolated and monitored in order to protect the rest of the population as well as Islam from their danger, influence and their teachings."

In 1998 and 1999, President Mubarak issued decrees to facilitate approval of permits for repairing, renovating, expanding, and building churches. In December 2005, updating the 1998–99 decrees, President Mubarak issued a new decree that devolved church repair and reconstruction decisions to the governorate level and stipulated that churches would be 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, despite Presidential and interior ministry approvals for a building permit to be issued. As a result, congregations have experienced lengthy delays—lasting for years in many cases—while waiting for new church building permits to be issued. Authorities have also refused to issue decrees for restoration, renovation, and expansion of churches, or have failed to enforce decrees that have already been approved. Local authorities have also closed unlicensed buildings used as places of worship.

Overall, the approval process for church construction continued to be hindered by delays often measured in years. According to statistics published by the Government's Official Gazette, 63 Presidential decrees were issued from June 30, 2005, through July 1, for church-related construction, compared with 12 permits reported during the previous period. Government officials have 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.

In March Coptic Orthodox Pope Shenouda III consecrated a Cathedral in Aswan that had taken six years to build. In November 2005, the Presidency issued a decree permitting the construction of a church in al-Rehab City, a development on the outskirts of Cairo. Church officials had applied for the decree in 2001. In 2005 and 2006, the Presidency also issued decrees to build churches in the newly developed urban centers of Sheikh Zaied, Tenth of Ramadan, New Cairo, New Assuit, and New Minya.

The National Council for Human Rights gave more attention to religious freedom in its second annual report released in March, calling for a solution for official recognition of Baha'is; addressing the problem of Jehovah's Witnesses; and criticizing religious textbooks for failing to address human rights. The report also recommended that Parliament pass a law to facilitate construction of new places of worship for all religious groups. Finally, the report noted that the council had not received any response from the Ministry of Interior or several governorates to its nine inquiries regarding alleged violations of religious freedom that it had received.

In October, Helwan University instituted a new policy banning the wearing of full facial veils (niqab) at the university residence halls.

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. A civil marriage abroad is an option should 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.

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.

There are no legal restrictions on the conversion of non-Muslims to Islam; conversion of Muslims to Christianity, however, is prohibited by Shari'a. There were occasional reports that police harassed converts from Islam.

Muslim-born convert to Christianity Bahaa Al-Accad has been imprisoned without charge since April 2005. According to Al-Accad's attorney, his family, and human rights activists, his conversion to Christianity is the reason for his detention. They also reported that al-Accad's health had been harmed by harsh detention conditions, including malnutrition, and that other inmates had threatened to kill him since they believed him to be an apostate. Accad remained in detention at the Wadi al-Natroun Prison at year's end.

In 2004, an administrative court issued a verdict allowing Mona Makram Gibran, who had converted to Islam and later converted back to Christianity, to recover her original (Christian) name and identity. Some legal observers believed the case would constitute a significant precedent as the Government has otherwise refused to acknowledge citizens' conversions from Islam to Christianity. As of late June, there were 148 other cases involving individuals who converted to Islam and then back to Christianity, who were attempting to recover their original Christian identities. Of these 148 individuals, 32 have received verdicts allowing them to recover their Christian identities and many of them have done so. The Government has not appealed any of these cases.

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 charge converts with violating laws prohibiting the falsification of documents.

Coptic males are prevented from marrying Muslim women by both civil and religious laws. A civil marriage abroad is an option should a Christian male and an Egyptian Muslim female desire to marry; however, if the couple returned to Egypt, their marriage would not be legally recognized. Additionally, the woman 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.

There were no reports of forced religious conversion carried out by the Government; however, unsubstantiated reports of forced conversions of Coptic women and girls to Islam by Muslim men continued to be received. Reports of such cases were disputed and often included allegations and denials of 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.

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.

Article 19 of the constitution requires elementary and secondary public schools to offer religious instruction. Public and private schools provide 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.

On May 10, the public prosecutor Maher Abdul Wahid ordered Abdul Sabur al-Kashef and Mohammed Radwan to be tried by a low-level criminal court on charges of blaspheming Islam. Kashef is being prosecuted for claiming to have seen God, a sacrilegious act in Islam, while Radwan is being prosecuted for denying the existence of heaven and hell. Their trial was ongoing at year's end.

Metwalli Ibrahim Metwalli Saleh, arrested by the SSIS in May 2003 apparently for his views on Islam, including support of the right to convert, was released on April 23 after receiving eight separate rulings from the Supreme State Security Emergency Court in his favor and an official statement from the state security prosecutor ordering his release.

During the year, a delegation of Jehovah's Witnesses from Europe and the United States made several visits to Cairo to meet with government officials in order to explore the prospects for the formal establishment of the faith in Egypt, and to advocate for the human rights and religious freedom of Egypt's small community of Jehovah's Witnesses, which has been subject to periodic surveillance and occasional harsh interrogations by the security services. By year's end the Jehovah's Witnesses remained without legal status but reported that hostile treatment from the security services had diminished significantly.

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

Article 40 of the constitution provides for equal public rights and duties without discrimination based on religion or creed, and in general the Government upholds these constitutional protections; however, government discrimination against non-Muslims exists. There are no Christians serving as Presidents or deans of public universities and they are rarely nominated by the ruling party to run in elections as NDP candidates. At year's end, there were 6 Christians (5 appointed; 1 elected) in the 454-seat People's Assembly; 6 Christians (all appointed) in the 264-seat Shura Council; and 2 Christians in the 32-member Cabinet. Christians, who represent approximately 10 percent of the population, currently hold less than 2 percent of the seats in the People's Assembly and Shura Council.

There also are few Christians in the upper ranks of the security services and armed forces. Government discriminatory practices continued to include discrimination 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 cur-

riculum involves the study of the Qur'an. There have been no reports of Christian graduates since 2001.

On January 18, Muslim villagers in El Udaysaat attacked a group of Christians, resulting in the death of one individual and the injury of 12 others. The confrontation was sparked by the discovery, on the previous day, that the El Udaysaat Copts were secretly using a guest house as a church.

On April 14, a seventy-eight year old Christian in Alexandria, Nushi Atta Girgis, was killed by a Muslim, Mahmoud Salah al-Din Abd al-Raziq, who had entered Girgis' church and stabbed three parishioners. According to police accounts, al-Raziq attacked two other Alexandria churches and wounded 15 others before being apprehended. At Guirgis's funeral on April 15, and again on April 16, Christian and Muslim protestors clashed in riots that resulted in the death of least one Muslim, dozens of injuries to both Christians and Muslims, significant damage to property belonging primarily to Copts, and some damage to churches.

In 2000, Shayboub William Arsal, a Coptic Christian, was convicted and sentenced for the 1998 murders of two Copts in al-Kush. His appeal, which has been pending for 6 years, had still not been heard by year's end. There was a widespread perception in the local Christian community that Shayboub was convicted because of his religion.

Egypt's small Jewish community numbers approximately 200; most are senior citizens. Anti-Semitic sentiments appeared in both the pro-government and opposition press. Anti-Semitism in the media was common, but less prevalent than in recent years, and 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. For example, on August 7, in an article in the government-controlled daily newspaper Al-Ahram, the Grand Mufti Ali Gom'a criticized recent Israeli military action in Lebanon and wrote that Israeli "lies have exposed the true and hideous face of the blood-suckers who . . . planned [to prepare] a matzo [unleavened Passover bread] using human blood."

On June 12, Al-Gumhuriyya, published an article entitled "The Octopus . . . Embellishes" which stated that "Jewish leaders managed to utilize the Holocaust, and what was said about massacres of Jews in Germany and Eastern Europe, which were ordered by the Nazi Leader Adolph Hitler, and translated this into sympathy and even extortion to help establish the state of Israel. The first thing that Israel did was to declare the map of Greater Israel from the Nile to the Euphrates, and abstained from abiding by UN (drawn) borders."

On August 24 a Muslim cleric, Safwat Higazi, appeared on Dream TV to discuss recent media reports that he had issued a ruling (on the Islamic Al-Nas channel) which permitted the killing of Israeli Jews in Egypt. Higazi opined that killing of certain Israeli Jews (specifically, adults, who are currently serving in the Israeli Defense Forces reserves) in Egypt was permissible. On September 13, Al-Ahram published an opinion column entitled "Who is the Nazi Now" and stated that ". . . The war which Hitler led against the Jews was an excuse through which the Zionists justified their colonizing of Palestine . . . But the Jews, who escaped from oppression, oppressed the Palestinians. and thus, the victims of the old Nazis became the new Nazis . . . Who is the Nazi now? Guenther Gras, who admitted the mistake he made when he was an adolescent? Or David Ben Gurion, Begin, Shamir, Sharon, Olmert, and people of their kind?"

The Government has advised journalists and cartoonists to avoid anti-Semitism. Government officials insist that anti-Semitic statements in the media are a reaction to Israeli government actions against Palestinians and do not reflect historical anti-Semitism; however, there are few public attempts to distinguish between anti-Semitism and anti-Israeli sentiment.

For a more detailed discussion, see the 2006 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; 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 (see section 5). Citizens who left the country had the right to return.

On February 3, Egyptian authorities, purportedly for reasons of national security, detained British parliamentarian George Galloway overnight in an airport detention facility after he attempted to enter Egypt. Upon his release, Galloway "gave evidence" in a mock trial of President George Bush and Prime Minister Tony Blair conducted by anti-war activists in Cairo. Galloway also reported that Egyptian parliamentarian Mustafa Al-Fiqi had transmitted an apology, on behalf of President Mubarak, to him for the detention.

On October 27, security authorities prevented Dr. Abdel Hamid Al-Ghazaly, advisor to MB Supreme Guide Mahdy Akef, from traveling to London to attend a scientific conference.

On November 17, Al-Masry Al-Youm reported that the security services prevented Ahmed Sayf Al-Islam, son of Hassan Al-Banna (the founder of the Muslim Brotherhood), and other members of the Al-Banna family from traveling to Jordan to attend a meeting in Amman to mark the centenary of Hassan Al-Banna's birth. Ahmed Sayf Al-Islam, who serves as the Secretary General of Egypt's Bar Association, protested that the Government's refusal to allow him to travel was "a blatant violation of the law and the human rights principals which allow freedom of movement and travel."

According to a statement issued by prominent Pakistani politician Qazi Hussain Ahmed (leader of Pakistan's leading Islamist party) on November 22, the Egyptian Embassy in Islamabad refused to issue him a visa so that he could attend the World Assembly of Muslim Youth conference in Cairo.

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 UN Convention Relating to the Status of Refugees and its 1967 Protocol. Apart from a 1954 agreement with UNHCR and two "technical decrees" from the Ministry of Interior relating to residence and travel, Egypt 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, UNHCR assumed full responsibility for the determination of refugee status on behalf of the Government; however, the January 2004 peace accord in the Sudan led the UNHCR to halt new refugee status determinations in mid–2004. 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.

During the year, approximately 20,000 recognized refugees (as well as 13,000 individuals presenting asylum claims to UNHCR), resided in the country. Approximately 25,000 of these individuals were Sudanese nationals. A total of 12,350 Sudanese were registered with UNHCR as refugees, but another 12,650 were registered asylum seekers who sought formal refugee status. In addition, 40,000–70,000 Palestinian refugees are reported to be in Egypt, although less than 200 are registered with UNHCR. The number of Iraqi asylum seekers approaching UNHCR increased, with more than 1,500 who registered during the year. Conflicting press reports, some citing UNHCR, gave widely varying estimates of the number of Iraqis seeking protection in Egypt at year's end, ranging from 20,000 to 150,000. Press reports also noted that some Iraqi children had been expelled from Egyptian schools, that Iraqis had protested Interior Ministry delays in the issuance of residence permits, and that the authorities in Sixth of October City had rejected a request by Iraqi asylum seekers to open a Shi'a mosque.

UNHCR halted refugee determinations in 2004, after the Sudanese peace accords, and ceased consideration of applications by Sudanese for resettlement abroad. Sudanese nationals residing in Egypt protested this decision by periodically organizing peaceful demonstrations. During occasional security sweeps the Government periodically detained some asylum seekers who were not carrying proper identification. Following intervention by the UNHCR, they were released. Sudanese refugees, as well as those Sudanese who unsuccessfully sought refugee status, were part of a much larger community of Sudanese residents, many in Egypt illegally. Estimates of the total number of resident Sudanese ranged from two to four million. Many Sudanese legally enter with short-term visas and then decide to remain.

On December 30, 2005, Egyptian police sought to clear a squatters' settlement of several thousand Sudanese asylum seekers who had occupied a Cairo park outside UN offices since September. The Sudanese had demanded that UNHCR resettle

them in another country and refused to move. Police used water cannons and riot gear to clear the camp (see section 1.a.). According to police, some of the asylum seekers resisted police efforts to clear the camp. At least 27 asylum seekers died in the ensuing melee. Security forces detained approximately 700 Sudanese and threatened them with deportation. All of the refugees were released in the early part of the year. Human Rights Watch and Amnesty International called for inquiries into the deaths, but by year's end, the Egyptian government had made no such investigation (see section 1.d).

According to a study produced by the American University in Cairo's Center for Forced Migration and Refugee Studies in July, migrants from Sudan, regardless of their official status, face unemployment, poor housing, limited access to health and education, and racial discrimination.

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

Elections and Political Participation.—Article 76 of the constitution, as amended in May 2005, provides for a Presidential election to be held every six years, replacing the referendum system in place since 1952. In September 2005, in the country's first competitive Presidential election, voters elected President Hosni Mubarak to a fifth 6-year term, defeating nine other candidates representing political opposition parties. The Government announced that Mubarak received 88 percent of the vote and that Ayman Nour of the Al-Ghad party had placed second, with 7 percent.

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 and included the names of deceased persons; 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; that 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. Additionally, the Government did not invite international election observers to formally 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.

Under the amendment to Article 76 of 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 the requirement that an opposition party hold at least five percent of elected seats in parliament.

The amendment also provides that candidates unaffiliated with political parties may run for President, provided 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 elections for the 444 open seats of the People's Assembly took place in three stages during November and 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 Muslim Brotherhood and a handful of other opposition deputies.

In a series of October 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 Nadrawa and Dekerness in Daqahliyya—should be invalidated due to evidence of vote rigging during the 2005 parliamentary elections. Article 93 of the constitution gives Parliament the right to decide which judicial rulings against it must be enforced. Historically, the NDP-controlled Parliament has used Article 93 to ratify only those court judgments that go against select opposition and independent candidates. The National Council for Human Rights recommended that Article 93 be amended so that court rulings against Parliament should be binding and non-reviewable. By year's end, the Parliament had not taken any action in response to the Court of Cassation rulings.

In March, prominent judges, including Hesham Bastawissi and Ahmed Mekky, accused other judges of taking part in election fraud during the parliamentary elections. One of the accused judges, Mahmoud Seddiq Borham, then filed a complaint claiming that Bastawissi and Mekky had wrongly accused him of complicity fraud at the Mansoura polling station he supervised during the parliamentary elections. On February 16, the Supreme Judicial Council lifted the immunity of Bastawissi, Mekky, and two other judges. A State Security Prosecutor ordered the four to appear for questioning, which they did. On March 17, nearly 1,000 judges held a half-hour silent protest in downtown Cairo to demonstrate for full judicial independence and to protest the Government's order to interrogate their colleagues who criticized the recent elections.

Two months later, on May 18, a Supreme Judicial Council disciplinary tribunal exonerated Judge Mekky on charges that he had "disparaged the Supreme Judicial Council" and "talked to the press about political affairs." But on the same grounds, the court issued a rebuke and denied a promotion to Judge Bastawissi. (Mahmoud Seddiq Borham eventually dropped his own libel suit in November against journalists after the Court of Cassation invalidated the parliamentary race that Borham had been responsible for supervising, due to evidence of fraud. See section 2.a.)

On June 25, parliament approved a new Judiciary Law. Some judges charged that the new limits imposed by the law would further diminish the judiciary's supervisory role during elections (see section 1.e.).

Following the parliamentary elections, the NDP preserved its dominance of the 454-seat People's Assembly. It also dominated the 264-seat Shura Council, local governments, the mass media, labor, and the large public sector, and controlled the licensing of new political parties, newspapers, and private organizations. However, the independent MPs linked to the Muslim Brotherhood have been increasingly vocal in parliament. Several parliamentarians and parliament-watchers have observed that the MBs' 88 "independent" members contributed to a new, more rigorous dynamic in the parliament, including more substantive debates and have led to better attendance and timeliness by the ruling party members.

The People's Assembly debated government proposals, and members exercised their authority to call cabinet ministers to explain policy. The executive initiated almost all legislation. The Assembly exercised limited influence in the areas of security and foreign policy and retained little oversight of the Ministry of Interior's use of Emergency Law powers. Many executive branch initiatives and policies were carried out by regulation through ministerial decree without legislative oversight. Individual voting records were not published, and citizens had no independent method of checking a member's voting record.

The Shura Council, the upper house of parliament, has 264 seats. The constitution provides that two-thirds of the members are elected and one-third are appointed by the President.

In addition, during the year, a variety of other aspirant political parties, including the Karama ("Dignity," Arab nationalist) and Wasat ("Center," moderate Islamist) sought legal recognition from the courts or the PPC. At year's end, at least 12 aspirant parties were awaiting decisions on their applications.

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 (see section 1.d.). A total of 88 candidates affiliated with the MB were elected to the People's Assembly in 2005 as independents. There were 6 women elected to the 454-seat People's Assembly, as well as 5 women appointed. Two women served among the 32 ministers in the cabinet.

Christians, who make up and estimated 8–15 percent of the population, held less than 2 percent of the parliamentary seats.

On February 12, the Shura Council postponed the April municipal elections until 2008. The opposition protested this move, which extended the terms of 45,000 municipal officeholders, most of whom belong to the NDP ruling party.

Government Corruption and Transparency.—There was a widespread public perception of corruption in the executive and legislative branches.

The February 3 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 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. By year's end, there had been no governmental investigation or prosecutions in the Salaam disaster.

On October 1, press reports said that the police had arrested at least nine members of a ring in North Sinai—at least two of whom were policeman—who sold explosives and weapons to Palestinians and Sinai residents.

Corruption was a topic of opposition media speculation, and it emerged as a campaign theme for the opposition during both the Presidential and parliamentary elections of 2005. Kamal El-Shazly, who served as minister for parliamentary affairs, and Ibrahim Soliman, who served as minister of housing, until President Mubarak replaced them in December 2005, have frequently been the subjects of unproven allegations of corruption. Shazly and Soliman both won re-election to Parliament in 2005.

In December 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 on December 8 by the public prosecutor, after a case against them was brought by the Administrative Control Authority (a government anti-corruption 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. At year's end, the case against the two men was unresolved.

In August 2005, the press reported a wide-ranging scandal allegedly involving senior members of the Ministry of Education who colluded with teachers to assist dozens of secondary school students in Giza to cheat on their general secondary school exams. According to press reports, several of the cheating students came from prominent families who were NDP members. Minister of Education Ahmed Gamaleddin Moussa referred the case to the administrative and public prosecutors, who had taken no action by year's end. Minister Moussa lost his cabinet portfolio in the December 2005 cabinet reshuffle.

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.

There are no legal provisions for public access to government information.

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

Government restrictions on NGO activities, including limits on organizations' ability to accept funding, continued to limit reporting on human rights abuses. Government officials were selectively cooperative and responsive to NGO views (see section 2.d.).

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.

In late December, 16 domestic human rights organizations criticized the closure of a local NGO, Ahalina, in Qaliubiya governorate. On December 24, municipality and security officials in the working class district of Shubra al-Kheima, closed Ahalina's offices on the grounds that the organization was "inciting riots" and did not have a proper license to operate. Ahalina, which works in the health, environment, legal and educational fields, had unsuccessfully sought to register with the Ministry of Social Solidarity. In November, Ahalina had publicly challenged statements by Qaliubiya governor Adly Hussein that the slum areas of the municipality were fully supplied with utilities. Ahalina had sought to rebut the governor's assertion by pointing to publicly available statistics which documented that 183 villages in the governorate lack potable water, electricity, have inadequate sewerage, and polluted air.

The leading independent human rights NGOs included the Egyptian Organization for Human Rights, the Human Rights Association for the Assistance of Prisoners, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, the Ibn Khaldun Center, the Arab Center for the Independence of the Judiciary and the Legal Profession, the Arab Network for Human Rights Information, and the Egyptian Center for Women's Rights. 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 (see section 1.c.).

The National Council for Human Rights (NCHR), established by parliament in 2003, and operational in 2004, continued to monitor government abuses of human rights by formally submitting citizen complaints to the Government and issuing reports critical of the Government. NCHR issued its second annual report in March, covering the last 10 months of 2005 and the first two months of 2006. The NCHR report pointed to the 2005 elections as examples of limited democratic progress but also called attention to voting irregularities and fraud as well as intervention by the security forces. The NCHR also called for an end to the State of Emergency, expressed its concern about administrative detentions outside of the procedures established by law, and urged additional steps "to put an end to torture and to assure that the mistreatment of detainees and those arrested is also discontinued." The NCHR urged "all governmental entities" to "give proper attention to complaints referred to them" by the council. The report also called for an end to "assaulting demonstrators" and an expanded protection of media freedom, and described the Student Body Regulations of 1979 as "unjustified restrictions on the practice of democracy within student activities." The NCHR also issued a variety of studies keyed to particular issues, including the 2005 Presidential and parliamentary elections. During the year, NCHR conducted public seminars on a number of controversial current issues including civil rights for Baha'is, the Government's regulation of NGOs, and constitutional amendments.

At year's end, the NCHR reported that it had received 5,826 complaints during the year, of which 1,762 pertained to civil and political rights. The NCHR officially forwarded complaints to relevant ministries. Although NCHR did not publicize full details on complaints forwarded to the Ministry of Interior, NCHR did note that the ministry replied to 58 percent of the complaints it received from the NCHR.

One NCHR member, Bahey Eddin Hassan, criticized what he described as the weak performance of the NCHR and indicated that would not seek reappointment to the Council in January 2007, when the three year terms of the original NCHR board members expires. Hassan questioned the effectiveness of the NCHR since the organization possessed no legal authority to compel the Government to address the concerns it raised.

Several leading human rights groups and civil society organizations continued to press legal challenges against government decisions to allow them to register 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 (see section 2.b.).

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 non-governmental 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 Cairo Institute for Human Rights Studies, HRAAP, EOHR, the Ibn Khaldoun Center, and the Arab Center for Independence of the Judiciary—to hold and participate in international conferences.

At the end of the year, the Arab Penal Reform Organization (APRO), a local NGO, began mass distribution of human rights-based children's stories to elementary schools in Cairo. The group aims to educate children between the ages of 8 and 13 on the universal principles of human rights and international law through a series of Arabic and English stories about a young boy named Ali. The group aims to have 500 copies distributed by the end of the year. According to APRO, the Ministry of Education welcomed APRO's initiative. The project is partly funded by USAID.

International human rights NGOs have generally been allowed to establish informal operations. Organizations such as Human Rights Watch made periodic visits as part of their regional research program and were able to work with domestic human

rights groups. 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 Egypt in 2005. In June, 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 Egypt.

The Government did not respond to standing requests from at least five UN Special Rapporteurs—on torture, the situation of human rights defenders, freedom of religion, independence of judges and lawyers, human rights and counterterrorism—to visit.

The People's Assembly has a "Human Rights Committee," which human rights activists did not judge effective.

On April 3, the leadership of Cairo's Judges Club, citing government pressure, cancelled a scheduled meeting with a visiting HRW delegation.

In September, the AI Secretary-General visited and met with Minister of Interior. In comments to the press after the meeting (the first between an AI secretary-general and the top official in Egypt's security apparatus), she described the human rights situation as "very serious. We have long had concerns about secret detentions, disappearances, arbitrary detention of political prisoners, torture, and ill-treatment issues of trial by the emergency security court, and so on." She also said that there was a "window of opportunity" to replace the emergency law with counterterrorism laws. "Now, whether that will lead to something depends on the political will of the Government of Egypt."

EOHR reported that on May 6, SSIS officials attempted to summon Usama Abdel Razik, an EOHR lawyer, without legal basis. EOHR formally protested and petitioned the Minister of the Interior order an investigation into the incident. By year's end there had been no further action on the matter.

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 does not prohibit spousal abuse; however, provisions of law relating to assault in general are applied. Domestic violence against women was a significant problem and was reflected in press accounts of specific incidents. 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 those who had been beaten, less than half had ever sought help. The 2005 Egypt Demographic and Health Survey indicated that 47.4 percent of women above age 14 had experienced domestic violence. Due to the value attached to privacy in the country's traditional society, abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce. However, the law requires the plaintiff to produce several eyewitnesses, a difficult condition to meet. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence.

The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide, which provided legal and medical services.

The court case of celebrity costume designer Hind El Hinnawy attracted considerable public attention. On January 28, a family court refused El Hinnawy's request that actor Ahmed El Fishawy be recognized as her daughter's father, despite DNA evidence that proved his paternity, because El Hinnawy could not produce proof that they had had a secret, informal marriage. On May 24, however, an appeals court overturned the family court ruling and recognized Fishawy as the child's father.

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.

The law prohibits non-spousal rape and punishment ranges from three years to life imprisonment; 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, is subject to execution.

In May 2005, after hearing confessions from two defendants that they had raped and beated to death 23-year old Hoda Al-Zaher, Judge Abdo Attia handed down sentences of only three years for one defendant and three months for another, justifying

these sentences under Article 17 of the criminal penalties code. In November, the public prosecutor appealed the court's decision. At year's end, the case was under appeal.

The law does not specifically address "honor" crimes (violent assaults by a male against a female, usually a family member, with intent to kill 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; however, there were no reports indicating that honor killings were a widespread problem.

Female genital mutilation (FGM) remained a serious, widespread problem, despite the Government's attempts to eliminate the practice and NGO efforts to combat it. Tradition and family pressure continued to play a leading role in the persistence of FGM. In 2005 a leading NGO reported that the percentage of women who had undergone FGM had fallen to 94 percent of all women age 18–49. The same study estimated that 60 percent of girls age 10–13 were at risk for FGM. The Ministry of Health estimated that 50 percent of girls age 10 to 18 were subjected to FGM. The 2005 Egypt Demographic and Health Survey, however, indicated that 95.8 percent of ever-married women were subjected to FGM. The Government supported efforts to educate the public about FGM; however, 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 the notion that FGM had any sort of religious sanction. In late November, the three leading government-appointed Muslim religious leaders, participating in a conference in Cairo aimed at eradicating FGM under the sponsorship of a German human rights NGO (Target), said that FGM is not encouraged by Islam. The Grand Sheikh of Al-Azhar (Mohamed Sayed Tantawi), the Grand Mufti (Ali Gom'a), and the Minister of Muslim Religious Endowments (Mahmud Hamdi Zaqzuq) expressed the view that FGM was not condoned by the Holy Quran or by the teachings and traditions of the Prophet Muhammad. The government-supported National Council for Childhood and Motherhood, also played a leading role in the November conference and in the overall attempt to eliminate FGM.

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

Sexual harassment is not prohibited specifically by law. There were no statistics available regarding its prevalence.

On October 24–26, during the Muslim Eid Al-Fitr holiday marking the end of Ramadan, there were reports of several incidents of sexual harassment of female pedestrians by groups of young men in downtown Cairo. Some critics of the Government charged that security forces had failed to intervene to stop the harassment. Government officials and certain pro-government newspapers said 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.

During the May 2005 national referendum, several women, including demonstrators and journalists, were reportedly assaulted and sexually humiliated by pro-government thugs, including perhaps undercover security force personnel. The public prosecutor concluded in late 2005 that a case could not be pursued because it was impossible to determine who assaulted demonstrators (see section 2.b.). In response to a request from EIPR, a Cairo-based rights group, the African Commission on Human and People's Rights, the African Union's highest rights body, agreed to consider formally the merits of the case in May 2007 (see section 2.b).

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 (Article 277) while a woman is adulterous wherever the act is committed.

While no law prohibits a woman from serving as a judge, there was only one female judge, Counselor Tahany al-Gabbani, appointed to the Supreme Constitutional Court in 2003. In the cases of two female attorneys, Fatma Lashin and Amany Talaat, who had challenged the Government's refusal to appoint them as public prosecutors, the administrative court ruled that it had no jurisdiction and referred the case to the Supreme Judicial Council for determination. By year's end, the Supreme Judicial Council had not ruled in the case.

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 pressure 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.

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 some 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 2000–05, 83 percent of citizen children of primary school age attended school.

Approximately 30 percent of citizen students pursued studies at the post-secondary 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 (see section 6.d.).

FGM remained a serious problem, despite some signs of a modest downward trend, and was widely performed (see section 5, Women).

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 (see section 6.d.).

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, are a significant problem.

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 related crimes occurred during the year. There were press reports of persons trafficked from Eastern Europe through the country to Israel for commercial sexual exploitation and forced labor. Because the country lacks a systematic victim identification mechanism, it was difficult to determine how many of the aliens illegally transiting the country were actually being 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 ac-

tivists suggested that some Egyptian 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.

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. Law 39 of 1975 ("The Social Integration Law"), amended by law 49 of 1981 and by the Unified Labor Law of 2002 (articles 12–14), provides that all businesses must designate five 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 eight percent of the population has some sort of disability, and that one to two percent of the population is severely disabled.

There is no legislation mandating access of persons with disabilities to public accommodations and transportation; 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 Higher Council for Social Integration, which was established by the 1975 law to provide leadership on the issue of persons with disabilities, has met twice during the past three decades. A leading NGO focused on the rights of persons with disabilities has sought to increase the Government's and society's activities in support of persons with disabilities. The Government, led by the Ministry of Social Affairs, made efforts to address the rights of persons with disabilities. It worked closely with UN agencies and other international aid donors to design job-training programs for persons with disabilities. Beginning in 2004, and with international donor support, the Government, working with concerned NGOs, also sought to increase the public awareness of the capabilities of persons with disabilities in television programming, the print media, and educational material in public schools. However, there remains widespread societal discrimination against persons with disabilities, resulting in a lack of acceptance into mainstream society.

Other Societal Abuses and Discrimination.—There have also been reports of abuse of foreign workers employed as domestic servants. For example, on January 26, the Philippine government reported that Veronica Bangit had reported abuse by her employers when she worked as a domestic helper in Cairo.

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. A local union or workers' committee may be formed if 50 employees express a desire to organize. Most union members, about one-quarter of the labor force, were employed by state-owned enterprises.

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.

There were 23 trade unions; all were required to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. The ETUF controlled the nomination and election procedures for trade union officers and permitted public authorities to intervene in union financial activities.

ETUF officials had close relations with the ruling NDP, and some were members of the People's Assembly or the Shura Council. They spoke on behalf of worker concerns, and public confrontations between the ETUF and the Government were rare. Previous ETUF President Sayed Rashad served as an NDP member of parliament until his unsuccessful bid for re-election in 2005. Rashad also served as head of the NDP's labor committee. During the 2005 Presidential campaign, Sayed Rashad had announced that ETUF's four million members supported President Mubarak's re-election bid. Hussein Magawar, another NDP member of parliament, replaced Sayed Rashad as ETUF head in January.

Elections for seats in the local unions (or "factory councils"), the 23 national trade unions, and ETUF , held every five years, occurred in three stages from October—November. There were widespread reports of irregularities in the registering of candidates. Opposition activists charged that ETUF collaborated with the ruling NDP and security forces to prevent opposition labor leaders from contesting the elections. In the elections to determine the leadership of the 23 national unions, NDP-affiliated candidates won 22 of the seats. Minister of Manpower Aisha Abul Hadi described the elections as "impartial, clean, and democratic," but the independent Cen-

ter for Trade Union and Worker Services charged that the elections "were the worst ever in terms of violations" and were "undemocratic and non-transparent."

Some unions within ETUF were affiliated with international trade union organizations. Others were in the process of becoming affiliated. The law does not permit anti-union 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 establishes a labor consultative council, including representatives from the Government, employers, and workers associations. The council was intended to address tripartite issues and problems and review labor-related domestic and international legislation; however, the council did not meet during the year. The 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 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 Labor Law provides these committees with judicial powers to adjudicate labor disputes arising from the law's application. Decisions by these committees, which are intended to serve in place of the courts of first resort, may be appealed through the regular appeals process. 2006 statistics regarding the number of complaints lodged and verdicts issued were not yet available at the time of going to print; however, observers noted that the pentagonal committees often failed to establish quorums, thus limiting their responsiveness.

The MOMM has a unit for collective negotiations and for 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 strikes, but only after an extended negotiation process. There were no formal, recognized strikes during the year. Wildcat strikes are prohibited, but un-authorized strikes nonetheless took place. Peaceful strikes were allowed, provided they were announced in advance and organized by the trade union to defend vocational, economic, and social interests. 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. Strikes are also prohibited in strategic or vital entities in which the interruption of work could result in a disturbance of national security or basic services. The Labor Law also regulates litigation related to collective bargaining and allows collective bargaining in what are identified as strategic and vital establishments. The Land Center for Human Rights (LCHR), a pro-labor group, reported that during the first half of the year, there were 107 workers' protests (38 in the Governmental sector, 36 in state-owned businesses, and 33 in the private sector) According to LCHR's analysis, the protests included 18 strikes, 15 demonstrations, 31 gatherings, and 43 sit-ins.

For example, on November 5, train drivers at Cairo's main rail station organized an unapproved strike in support of one of their colleagues who was facing disciplinary action for alleged negligence leading to an accident. The train drivers charged that government negligence and poor maintenance were at fault. The strike caused significant disruptions on a busy intercity commuter route.

On November 8, workers at the shipyard in Port Said, protested unsafe work conditions with a day-long demonstration after a crane accident killed a colleague.

On November 24, 2,000 members of the Pharmacists' Syndicate met in Cairo to discuss recent police raids against pharmacies. The pharmacists said the raids were aimed at pressuring the pharmacists to halt their opposition to plans to privatize state-owned pharmacies. The police raids on the pharmacies stopped after the pharmacists threatened to strike and to boycott pharmaceutical products from state-owned drug factories.

From December 7–10, an estimated 20,000 textile workers (including 7,000 women) at the Ghazl Al-Mahalla factory engaged in a work stoppage to protest non-payment of bonuses. Minister of Manpower Aisha Abdul Hadi reportedly played a direct role in the negotiations. The job action was eventually resolved after management agreed to pay the disputed bonuses. Some workers reportedly voiced displeasure with the local factory council leadership, arguing that they were more interested in doing the Government's bidding than protecting the workers.

Firms, other than large companies in the private sector, generally did not adhere to government-mandated standards. Although they were required to observe some government practices, such as the minimum wage, social security insurance, and official holidays, firms often did not adhere to government practice in non-binding 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.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child Law number 12 of 1996 and its executive regulations protect children from exploitation in the workplace. While MOMM, working with the National Council for Childhood and Motherhood (NCCM) and the interior ministry, 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 or the age of completing basic education (15), whichever is higher. 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.

Pre-employment training for children under the age of 12 is prohibited. Children are prohibited from working for more than six hours per day, and one or more breaks totaling at least one 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 four hours continuously.

During the summer months, children under the age of 14 were periodically seen working outdoors in and near construction areas of Al-Rehab City, outside Cairo, and engaged in landscaping work alongside, or in the median, of busy roadways near Katameyya, also on the outskirts of Cairo.

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 during the year focused 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 small (i.e. $3.25 or 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 UN Convention on the Rights of the Child (CRC); however, many challenges remain. The Ministry of Justice's department for legal protection of the Child worked with the NCCM to finalize comprehensive changes to the child labor law during the year. By year's end the draft changes had reportedly been submitted to parliament for consideration. The NCCM also worked with the MOMM, ETUF, ILO, UNICEF, and various government ministries to formulate and implement 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. The MOMM also increased child labor inspections in governorates with high dropout rates. The Government's campaign to increase public awareness was highlighted by workshops and conferences throughout the country. Many of these efforts were characterized by high-level government involvement. For example, during the African Football Cup of Nations, which Egypt hosted in January-February, first lady Suzanne Mubarak (who also serves as chair-

person of the NCCM) publicized the fight against child labor by participating in the ILO's "Red Card to Child Labor" campaign.

During the year, a foreign government, in partnership with the World Food Program (WFP) and the Egyptian government, launched a five million dollar project aimed at building government capacity to monitor and combat child labor. A specific goal of the project is to move 4,300 child laborers into school and other training opportunities, and prevent an additional 6,000 children from entering industries known to employ child labor.

e. Acceptable Conditions of Work.—The minimum wage 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 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 and provide a decent standard of living.

The Ministry of Labor sets worker health and safety standards, which also apply in the EPZs; however, enforcement and inspections were uneven. A council for occupational health and safety was established by the Labor Law to address health and safety issues nationwide. During the year, ETUF called for development of a national health insurance program prior to proposed changes in the health insurance law.

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 [1]

The Islamic Republic of Iran, with a population of approximately 68 million, is a constitutional, theocratic republic in which Shi'a Muslim clergy dominate the key power structures. Article Four of the constitution states that "All laws and regulations shall be based on Islamic principles." government legitimacy is based on the twin pillars of popular sovereignty (Article Six) and the rule of the Supreme Jurisconsulate, or Supreme Leader (Article Five).

The Supreme Leader of the Islamic Revolution, Ayatollah Ali Khamenei, dominated the tricameral structure of government (legislative, executive, and judicial branches). He was not directly elected but chosen by an elected body of religious leaders, the Assembly of Experts. Khamenei directly controlled the armed forces and exercised indirect control over the internal security forces, the judiciary, and other key institutions. Hardline conservative Mahmoud Ahmadinejad won the presidency in June 2005 in an election widely viewed as neither free nor fair.

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. The Majles was dominated by conservatives, due in part to the Guardian Council's extensive screening of candidates in the 2004 Majles elections. Prior to the June 2005 Presidential elections, the Guardian Council excluded all but eight of the 1,014 candidates who registered, including all women. The Guardian Council and parliamentary electoral committees screened candidates for the December 15 municipal council and Assembly of Experts elections, disqualifying scores of reformist candidates. The civilian authorities did not maintain fully effective control of the security forces.

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

The Government's poor human rights record worsened, and it continued to commit numerous, serious abuses. The following significant human rights problems were reported: severe restriction of the right of citizens to change their government peacefully; unjust executions after reportedly unfair trials; disappearances; torture and severe officially sanctioned punishments such as death by stoning; flogging; excessive use of force against demonstrators; violence by vigilante groups with ties to the Government; poor prison conditions; arbitrary arrest and detention; lack of judicial independence; lack of fair public trials; political prisoners and detainees; severe restrictions on civil liberties including speech, press, assembly, association, movement, and privacy; severe restrictions on freedom of religion; official corruption; lack of government transparency; violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; incitement to anti-Semitism; severe restriction of workers' rights, including freedom of association and the right to organize and bargain collectively; and child labor. On December 19, for the fourth consecutive year, the UN General Assembly adopted a resolution expressing detailed, serious concern over the country's human rights 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 of executions after 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."

On January 24, according to domestic press reports, two bombs exploded in the city of Ahvaz, in the ethnic Arab majority province of Khuzestan, with as many as nine dead and 40 wounded. On January 28 and February 28, there were further bombings but no casualties reported. The violence came amid social unrest that began with the April 2005 publication of a letter, claimed by the Government to be a forgery, alleging government plans to reduce the percentage of the Ahvazi-Arab population in the province. The bombings follow similar bombings in June and October 2005.

Government officials initially blamed "foreign governments" for the bombings, but on June 8, the revolutionary court in Khuzestan announced death sentences for nine ethnic Arabs in connection with the bombings. On March 2, authorities executed Mehdi Nawaseri and Ali Afrawi for their involvement in the 2005 bombings. Afrawi was a minor at the time according to the nongovernmental organization (NGO) Amnesty International (AI). On November 9, authorities in Khuzestan confirmed the sentences of execution of an additional 10 ethnic Arabs in connection with the January and February bombings. All sentences were imposed following secret trials that the international NGO Human Rights Watch (HRW) said could not be considered to meet international standards (see section 1.e.). According to an AI report, three of the accused bombers were executed on December 19 in a Khuzestan provincial prison.

On May 11, according to HRW, authorities executed Majid Segound and Masoud Naghi Biranvand, both of whom were age 17 at the time of their execution.

The Government responded forcibly to weeks of demonstrations by members of the ethnic Azeri minority, which protested a May 19 newspaper cartoon viewed as offensive to the Azeri population. The Government initially denied any protesters were killed, but on May 28 a police official acknowledged that four were killed and 43 injured in the northwestern town of Naqaba.

On July 31, student protester Akbar Mohammadi died in Evin Prison following medical complications related to a hunger strike. Police first arrested Mohammadi following his participation in July 1999 student demonstrations to protest government closure of newspapers. Authorities reportedly denied Mohammadi's parents permission to see their son's body and did not respond to calls for an independent investigation into the cause of death.

In November 2005 an appeals court ordered the case involving the death of Zahra Kazemi, a dual-national Iranian-Canadian citizen, to be reopened; however, at year's end there was no progress and the case remained under review. Kazemi, a photojournalist, was arrested for taking pictures while outside Evin Prison in Tehran during student-led protests. She died in custody in 2003 after allegedly being tortured. Authorities admitted that she died as a result of a blow to the head.

In June the Kazemi family filed a civil case against the Iranian government in Canadian courts.

According to a 2005 AI report, during the previous 15 years there were reports of at least eight evangelical Christians killed in the country (see section 2.c.).

During the year there was no statement altering the Islamic Revolution Guards Corps's (IRGC) February 2005 announcement that Ayatollah Khomeini's 1989 religious decree calling for the killing of author Salman Rushdie remained in effect.

There was no further action on the killing of strikers in 2004, the killings and disappearances reported by the Special Representative for Iran of the Commission on Human Rights (UNSR) in 2001, 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.

There were no developments in the October 2005 case of journalist Massoumeh Babapour, found barely alive after being abducted and repeatedly stabbed, after threats calling her an atheist and claiming religious authorities had sentenced her to death.

According to an AI report in 2005, between 15 and 23 evangelical Christians were reportedly missing or "disappeared" during the past 15 years.

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. In 2004 the judiciary announced a ban on torture, and the Majles passed related legislation, approved by the Guardian Council. Nevertheless, there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners.

In June the Government sent Saeed Mortazavi, the Tehran general prosecutor, to represent the country at the opening of the UN Human Rights Council. Mortazavi was accused by human rights groups of grave human rights abuses, including murder and torture, and was reportedly involved in the 2003 killing of Canadian photojournalist Zahra Kazemi (see section 1.a.).

In October the Government sent Interior Minister Mostafa Purmohammadi as its representative at the Tri-Partite Commission of Iran, Afghanistan, and the UN High Commissioner for Refugees in Geneva. Purmohammadi has a history of human rights abuses, including participation in the 1988 mass execution of several thousand political prisoners at Evin Prison and the 1998 murders of writers and dissidents throughout the country.

The penal code provides for the stoning, or lapidation, of women and men convicted of adultery. In 2002 the head of the judiciary announced a moratorium on stoning but reportedly ended the moratorium in August. Prior to August there were reports of judges handing down the sentence. On May 7, according to AI a woman, Mahboubeh Mohammadi, and a man, Abbas Hajizadeh, were stoned to death in the northeastern city of Mashhad. A court convicted the pair of adultery and the murder of Mohammadi's husband.

In June 2005 a court sentenced a man to have his eyes surgically removed. According to human rights specialists, such sentences were rarely implemented; rather they were used as leverage to set "blood money." Nonetheless, in November 2005, domestic press reported prison authorities amputated the left foot of a convicted armed robber.

In 2004 AI reported that it had documented evidence of "white torture," a form of sensory deprivation. Amir Abbas Fakhravar, a political prisoner, was sent to the "125" detention center, controlled by the revolutionary guards. According to AI his cell had no windows, and the walls and his clothes were white. His meals consisted of white rice on white plates. To use the toilet, he had to put a white piece of paper under the door. He was forbidden to speak, and the guards reportedly wore shoes that muffled sound. The UN Special Rapporteur on Torture listed sensory deprivation among the techniques constituting torture.

In July 2005 according to domestic press, Abbas Ali Alizadeh, the head of the Tehran judiciary and head of the supervisory and inspection committee to safeguard civil rights, provided Tehran Judiciary Chief Mahmud Ali Hashemi-Shahrudi with a detailed report as a follow-up to Shahrudi's directive on respect for citizens' rights. This unreleased report was described in detail in the media and outlined abusive human rights practices in prisons, including blindfolding and beating suspects, and leaving detainees in a state of uncertainty.

Also in July 2005, according to domestic press, the deputy national police commander for criminal investigation said police would investigate any reports of torture. He said torture was not only against regulations, but that forensic and sci-

entific advances have made torture unnecessary. Nevertheless, its existence in the criminal investigation departments was undeniable.

The Government relied on "special units" (yegan ha-ye vizhe), to complement the existing morality police, called "Enjoining the Good and Prohibiting the Forbidden" (Amr be Ma'ruf va Nahi az Monkar) in an effort to combat "un-Islamic behavior" and social corruption among the young. These auxiliaries were to assist in enforcing the Islamic Republic's strict rules of moral behavior. Credible press reports indicated members of this morality force chased and beat 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 (see section 1.f.).

According to a December 21 AI report, a woman identified as "Parisa" received 99 lashes in December, a reduction of the original sentence of death by stoning for adultery.

Prison and Detention Center Conditions.—Prison conditions in the country were poor. Many prisoners were held in solitary confinement or denied adequate food or medical care to force confessions. After its 2003 visit, the UN Working Group on Arbitrary Detentions reported that "for the first time since its establishment, [the working group] has been confronted with a strategy of widespread use of solitary confinement for its own sake and not for traditional disciplinary purposes." The working group described Sector 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."

In March 2005 the UK-based International Center for Prison Studies reported that 142,851 prisoners occupied facilities constructed to hold a maximum of 65,000 persons. In May official statistics from the State Prison Organization put the number of prisoners at 147,926.

Some prison facilities, including Tehran's Evin Prison, were notorious for cruel and prolonged torture of political opponents of the Government. Additionally, in recent years authorities have severely abused and tortured prisoners in a series of "unofficial" secret prisons and detention centers outside the national prison system. Common methods 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 about 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. Human rights activists and domestic press reported cases of political prisoners confined in the same prison wing as violent felons. There are allegations that the authorities deliberately incarcerated nonviolent offenders with violent offenders anticipating that they would be killed. HRW noted that student activists were physically tortured more than dissident critics from within the system. It also noted physical abuse in the presence of high-level judges.

In May 2005 Judiciary Chief Shahrudi reportedly complained about security forces' treatment of some detainees. He said judges must conduct interrogations, and confessions obtained without a judge present were inadmissible. During the year there were no further official remarks enforcing Shahrudi's statement.

In 2005 the Tehran province judiciary tasked its branches to address and compile complaints about civil rights violations and reportedly received 143 complaints, including one concerning a person jailed since 1989 without a conviction or indication of criminal record. In the unreleased report described by domestic press in July 2005, the judiciary's committee, called the Supervising and Inspection Committee for Preserving Citizens' Rights, reported visiting detention centers of the police security, criminal, and intelligence departments, and army security and intelligence departments to assess the condition of detainees, sanitation, visiting procedures, and procedures used to summon and arrest suspects. In its findings the judiciary committee noted unjustified arrests without warrants. It said the IRGC intelligence department detention center would not allow the committee to enter its facility. The report also called for an investigation of suicides by female inmates in Rajai'i Shahr Prison. The committee report stated every military camp or intelligence or security department had its own detention center, in defiance of the judiciary head's directive. Ministry of Intelligence and Security (MOIS) facilities operated without the required oversight of the Government's prisons organization. The committee found serious problems in a wide range of detention centers, jails, drug control centers, and prisons, including Section 209 at Evin Prison and the Tehran Revolutionary Court.

The committee reported that, contrary to instructions from the judiciary head on size of a detention area, some suspects had been held for eight or nine months in much smaller spaces. The report noted torture and solitary confinement in detention centers and claimed it had taken steps to resolve the issue. The report stated that confessions obtained under duress were legally invalid. The committee also called for investigations into possible violations committed against arrested and detained girls and women.

Later in 2005 Tehran Judiciary head Alizadeh claimed the problems cited in the report were resolved, upon the order of the judiciary, and the "culprits were presented to authorities." government spokesman Abdullah Ramezanzadeh praised the report and said the Defense and Information Ministries were expected to turn over names of those responsible for torture to the judiciary. However, there was no indication during the year that anyone was held responsible for the abuses cited in the report.

In July 2005 the Secretary General of the Administration of Justice of Tehran said in an interview that, following investigation into prison conditions and corrective actions, every prison cell had an average of 12 square meters, and all detention centers were now under the supervision of the State Prison Organization of prisons.

Separately, in 2005 the judiciary spokesman called the allegations in the committee's report complete falsehoods. He said the report's claim of unlawful detention centers administered contrary to prison regulations and in which defendants are blindfolded and beaten was untrue.

Judiciary Chief Shahrudi in 2005 also asked the judiciary to investigate reports of abuse of Internet writers, arrested in 2004 (see section 1.e.). The judiciary's report also was not released; and although it was acknowledged that some were abused, there was no information that anyone was held accountable.

In May 2005 Shahrudi directed that convicts imprisoned for lesser offenses and gravely ill prisoners should be given parole for three months; the directive's implementation was unknown.

In September 2005 Shahrudi issued new sentencing guidelines under which minor offenders would be fined and receive punishments other than imprisonment. This change was reportedly due in part to prison overcrowding; it is not known whether the change was implemented. According to HRW most prisoners were eligible for release after serving half of their sentences.

The Government generally has granted prison access only to the International Committee of the Red Cross (ICRC); however, in June Justice Minister Jamal Karimirad allowed a group of foreign and local journalists to tour Evin Prison. BBC reported that, according to prison officials, there are 2,575 men and 375 women in Evin Prison. Reporters were denied access to well-known prisoners. Some others with whom they spoke complained that their cases had not come to trial or that they had been awaiting a verdict for months.

In 2004 HRW documented a number of unofficial prisons and detention centers such as "Prison 59" and "Amaken," an interrogation center where persons are held without charge, questioned intensively for prolonged periods, physically abused, and tortured.

In 2003 the UNSR of the Commission on Human Rights reported that prisoner abuse occurred frequently in unofficial detention centers run by unofficial intelligence services and the military. The UN Working Group on Arbitrary Detention raised this issue with the country's Article 90 parliamentary commission during its 2003 visit, generating a commission inquiry that reportedly confirmed the existence of numerous unofficial prisons.

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 MOIS, the Law Enforcement Forces under the Interior Ministry, and the IRGC. A paramilitary volunteer force known as the Basij and various informal groups known as the Ansar-e Hizballah (Helpers of the Party of God) aligned with extreme conservative members of the leadership and acted as vigilantes. The size of the Basij is disputed, with officials citing anywhere from 11 to 20 million, and a 2005 Western study claiming there were 90,000 active members and up to 300,000 reservists.

Corruption was a problem; however, more so in the revolutionary courts than in the criminal and civil courts. Many police officers were also corrupt. 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 a 2004 HRW report, the Government's use of plainclothes security agents to intimidate political critics became more institutionalized since 2000.

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 also state the arrested person 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 extremely high levels, even for lesser crimes. Detainees and their families are often compelled to submit property deeds in order to post bail; many cannot afford to post bail.

In practice there is neither a legal time limit for incommunicado detention nor any judicial means to determine the legality of the detention. In the period immediately following detention or arrest, many detainees were held incommunicado and denied access to lawyers and family members.

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. In addition families of executed prisoners did not always receive notification of their deaths. On occasion the Government forced family members to pay to retrieve the body of their relative.

The December 19 resolution on the country's human rights situation in the UN General Assembly (UNGA) expressed serious concern about the use of arbitrary arrest, targeted at both individuals and their family members.

On January 28, authorities reportedly arrested several hundred members of a Tehran bus drivers' syndicate, along with some family members, who were demonstrating for labor rights. Family members and some workers were released, but several hundred were reportedly still held in Evin Prison at year's end.

On February 13, officials in the city of Qom arrested as many as 1,200 Sufi worshippers in a clash that left more than 100 injured (see section 2.c).

On June 14, human rights lawyer Saleh Kamrani, a member of the country's Azeri ethnic minority, was detained without charge and taken into government custody (see section 1.e). Charged with "propaganda against the system," according to AI, he was tried on September 13 and sentenced to one year's imprisonment. The sentence was suspended for five years, and he was released on September 18.

In September 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 (see section 5).

On September 26, authorities arrested and detained a Christian couple, Reza Montazami and Fereshteh Dibaj, without charge. They were released on October 5 (see section 2.c.).

On October 3, authorities arrested Hessam Firouzi, a doctor who treated student activist Ahmad Batebi prior to Batebi's re-arrest (see section 1.e.). Firouzi's wife reported that authorities took him to Evin Prison without filing charges against him; however, he was reportedly released on October 5.

In recent years the Government has 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.

Numerous publishers, editors, and journalists (including those working on Internet sites) were detained, jailed, tortured, and fined, or they were prohibited from publishing their writings during the year (see sections 1.e. and 2.a.).

Adherents of the Baha'i faith continued to face arbitrary arrest and detention (see section 2.c.).

Amnesty.—According to domestic press, the Government commuted sentences of over 13,000 prisoners during 2005 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 are 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, in-

cluding 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 limited review authority.

HRW noted in a 2004 report that the judiciary was at the core of suppressing political dissent and that, in practice, it violated due process rights at every level, including the right to be promptly charged; have access to legal counsel; be tried before a competent, independent, and impartial court in a public hearing; and have right of appeal. Detainees were often not clear 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 nine 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, reports indicated that during the year the Government tried persons under the age of 18, including Ali Afrawi, who was reported to have been 17 years old at the time of his trial and execution in March (see section 1.a.).

In September two men, Sina Paymard and Ali Alijan, were scheduled to be executed for crimes they committed before the age of 18; however, both received reprieves from the victims' families, who were permitted under law to seek blood money in lieu of the death penalty.

In January 2005 government officials told the UN Committee on the Rights of the Child that for many years there had been a moratorium on the death penalty for persons under 18. During the same month, according to credible reports, a man was executed for a crime committed when he was 17. According to an HRW report, during the year 30 juveniles were on death row.

In 2004 20 local human rights groups called on the judiciary not to sentence minors to death. Nobel Peace Prize laureate Shirin Ebadi sought permission to hold a demonstration regarding this issue, but the authorities denied her request. In 2005 UNGA adopted a resolution denouncing the country's practice of executing minors, and the UN Committee on the Rights of the Child urged the country to suspend execution of juvenile offenders. On December 19, the UNGA again adopted a similar resolution.

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. Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts; however, 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 without access to a lawyer. The right to appeal is often denied.

UN representatives, including the U.S., the UN Working Group on Arbitrary Detention, and independent human rights organizations noted the absence of procedural safeguards in criminal trials. The December 19 UNGA resolution on the country's human rights expressed serious concern about "the persistent failure to comply fully with international standards in the administration of justice."

Trials in the revolutionary courts were notorious 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 five 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 by the constitution and operated outside the domain of the judiciary. In particular, 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. The recommendations of the 2003 UN Working Group on Arbitrary Detention included a call to abolish both the special clerical courts and the revolutionary courts.

In its 2003 report, the UN Working Group on Arbitrary Detention noted failures of due process in the court system caused by the absence of a "culture of counsel" and the previous concentration of authority in the hands of a judge who prosecuted, investigated, and decided cases.

In 2004 a Tehran Justice Department official alleged that the Government tried and sentenced fugitive al-Qa'ida members detained in the country. The Government did not identify those convicted, the verdicts, or their sentences and provided no further information during the year.

Political Prisoners and Detainees.—In April 2004 then-President Khatami stated that "absolutely, we do have political prisoners and people who are in prison for their beliefs." However, no accurate estimates were available regarding the number of citizens imprisoned for their political beliefs. In 2003 the UN 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 has reportedly arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual "offenses" were political. The Government has 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 to prison at any time. Political activists were also controlled by having a file placed in the courts that could be opened at any time. There were also reports during the year that the Intelligence Ministry pressured families of political prisoners, banning them from speaking to foreign press and blocking their telephone conversations.

There was no information that authorities took any action on Judiciary Chief Shahrudi's 2005 reported order for investigations of political prisoner cases or leaves of absence for imprisoned students.

There were reports that some persons have been held in prison for years and charged with sympathizing with outlawed groups, such as the domestic terrorist organization, the Mujahedin-e- Khalq (MEK).

On March 18, Akbar Ganji, a former IRGC leader turned political activist and journalist, was released from prison. Ganji was imprisoned in 2000 in connection with his reports linking the Government to the "serial murders" of 80 dissidents in the country and abroad. He was sentenced in 2001 to six years in prison on charges including acting against national security and spreading propaganda. He received a one-month furlough for medical treatment in 2005 and subsequently went on a 70-day hunger strike to protest his detention. After his release he was allowed to travel abroad.

On April 25, authorities arrested philosopher and scholar Ramin Jahanbegloo for "acting against national security and having contacts with foreigners" and held him at Evin Prison. A media campaign called for his release, including statements from human rights organizations, prominent international scholars, and Western governments. Jahanbegloo was released from prison on or about August 30 and allowed to travel abroad.

On June 3, according to Azerbaijani press reports, ethnic Azeri activist Abbas Lisani was arrested following a protest demonstration. Lisani was reportedly charged with "holding rallies against the state system." He was reportedly released on September 26 but re-arrested on November 1. Lisani received a one-year prison sentence for "spreading antigovernment propaganda" and at year's end was in prison in the northwestern province of Ardabil.

On June 12, authorities arrested former Majles deputy and human rights activist Ali Akbar Musavi Khoini, who was reportedly taken to Evin Prison and held without charge. Khoini, who had been attending a women's rights protest when he was detained, was a critic of the Government during his 2000–04 term of office, protesting the Government's human rights abuses, prison conditions, and the lack of fair trials. Authorities permitted Khoini to attend a memorial service for his father on September 21, where he told the crowd that he was being tortured and pressured to "repent" for his criticisms of the Government. Observers at the service told HRW that Khoini had visible bruises. On October 15, he was released on bail.

On June 14, the Government detained Azeri-Iranian human rights lawyer Saleh Kamrani without charge. Kamrani reportedly defended several individuals, including ethnic Azeri activist Abbas Lisani, who were arrested during the May demonstrations in the ethnic-Azeri majority region of the Northwest (see section 1.a.). Kamrani's family received no information on his whereabouts for several days but

later learned that he was detained in Evin Prison. Kamrani was released from Evin on September 18, according to AI.

On July 27, authorities re-arrested student activist Ahmad Batebi, who had been released from prison for medical treatment in 2005. On October 15, they released him again after he posted an approximately $325,000 (300-million toman) bail, but he was returned to custody by October 17, according to his father. Officials gave no justification for Batebi's re-arrests. According to his wife, at the time of his re-arrest, Batebi warned that he would go on a hunger strike, a tactic often used by political prisoners as a protest. Batebi was involved in the 1999 Tehran student protest, and his photo was published in several international news outlets, illustrating the protests. Subsequently, Batebi was sentenced 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 was in Evin Prison.

On September 16, Internet writer Mojtaba Saminejad was reportedly released from prison. Saminejad was arrested in February 2005 and sentenced to more than two years in prison on charges that included insulting the supreme leader. He was first detained in 2004 after reporting the arrest of other Internet writers and, according to HRW, tortured and held for 88 days in solitary confinement. In January 2005 he was released on $62,500 (50 million toman) bail. Saminejad started another Internet site but was detained again, and his bail tripled, which he could not pay. His trial in May 2005 was held behind closed doors.

In October student activist Manuchehr Mohammadi fled the country while on furlough from Evin Prison. Mohammadi was sentenced to 13 years in prison, following involvement in the July 1999 Tehran student protests. He is the brother of activist Akbar Mohammadi, who died in custody on July 31 (see section 1.a.).

On October 8, police arrested dissident cleric Ayatollah Mohammad Kazemeini Boroujerdi at his home, after dispersing hundreds of his followers who had gathered there. Boroujerdi reportedly came under increased pressure from the Government for urging separation of religion from politics. According to press reports, over 70 of his supporters were arrested in late September and early October. Boroujerdi has reportedly been arrested and imprisoned several times since 1992 and has claimed that he was tortured and threatened with execution (see section 2.c.). At year's end there was no update on this case.

In July 2005 while acting as an attorney for the accused, Abdol Fattah Soltani was accused of espionage. Soltani's lawyer, human rights specialist Mohammad Dadkhah, and HRW claimed the reason for his arrest was his work in the investigation into the death of Zahra Kazemi. On July 18, the Tehran Revolutionary Court acquitted Soltani of espionage but convicted him of "disclosing classified information" and "spreading propaganda against the system," according to domestic press reports. Soltani was sentenced to four years in prison and five years deprivation of his "social rights."

Police arrested journalist Siamak Pourzand in 2001 and tried him in March 2002 behind closed doors. He was denied free access to a lawyer of his choice and was sentenced to 11 years in prison for "undermining state security through his links with monarchists and counterrevolutionaries." After repeated hospitalizations followed by reimprisonment, Pourzand was furloughed again in 2004 and remained under house arrest at year's end.

In July 2005 police arrested journalist Massoud Bastani for covering a demonstration to support political prisoner Akbar Ganji. Bastani was held in Evin Prison, released in August 2005, then reimprisoned and sent to Arak prison, normally used for nonpolitical prisoners. He was released on furlough in September 2005 but returned to prison the next month. In December 2005 the head of the Association of Iranian Journalists called for Bastani's release and said he was in poor health. In September an Internet source said he remained in prison.

Arjang Davoudi was arrested in 2003 for assisting a Canadian reporter making a documentary about Canadian-Iranian photojournalist Zahra Kazemi. In 2005 he was condemned by a revolutionary court to either 14 or 15 years in jail; reportedly he was beaten and kept in solitary confinement for approximately 100 days. Davoudi wrote a book from prison about his ordeal and had his manuscript privately delivered to a publishing company. According to one report, the Information Ministry prevented the book's publication by violence against the publisher and its employees. At year's end he was believed to be in internal exile in Bandar Abbas.

In 2004 Peyman Piran, a student activist, was sentenced to 10 years in prison for acting against national security, contacting foreigners, disturbing public opinion, and behaving insultingly. In 2004 security forces also forcibly evicted his father, retired teacher Mostafa Piran, and his family. Mostafa Piran was reportedly beaten and held in solitary confinement in July 2004 for his attempt to organize a teachers'

strike to mark the anniversary of the July 1999 student demonstrations, in defiance of a ban. Mostafa was released in March 2005, but Peyman remained in Evin Prison. There was no additional verified information on Peyman Piran at year's end.

Behruz Javid-Tehrani, a member of the Democratic Party of Iran, was first arrested in 1999 and spent four years in prison. He was then re-arrested in July 2004 and condemned to seven years in prison and 54 lashes. In August 2005 it was reported that he was held in solitary confinement for three months and had told relatives that he was severely beaten. As of July he reportedly remained in Evin prison.

In December 2004 student leader Heshmatollah Tabarzadi, jailed since June 2003, was sentenced by the revolutionary court to 16 years in prison. He was temporarily furloughed in August 2005; however, in July according to AI, he was in Evin Prison.

In November 2004 local press reported that after an early October 2005 trial, a Tehran Revolutionary Court sentenced former foreign minister Ebrahim Yazdi, leader of the banned Freedom Movement opposition party, to an unspecified but long imprisonment, based on charges of actions against national security, insulting the supreme leader, and other charges. At year's end Yazdi was not in prison, but his court case remained pending. He registered as a Presidential candidate in the 2005 elections, but the Guardian Council rejected his candidacy.

Former deputy prime minister Abbas Amir-Entezam, imprisoned for 26 years, was reported to be on leave from prison at year's end.

Civil Judicial Procedures and Remedies.—The judiciary is nominally independent from the executive and legislative branches but remained under the influence of executive and religious government authorities. The head of the judiciary is appointed by the Supreme Leader, who in turn appoints 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 is 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 UN Special Rapporteur (UNSR) on Adequate Housing noted religious minorities, including members of the Baha'i faith, were particularly affected. The U.S.'s June 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 have 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 infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, 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.

Vigilante violence included attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts. At year's end there was no systematic campaign, although greater enforcement was reported on university campuses.

Authorities entered homes to remove television satellite dishes, although the vast majority of satellite dishes in individual homes continued to operate. Beginning in August there were press reports that the Government increased its confiscation of satellite dishes. Early in 2004 Western media reported that Islamist militia confiscated approximately 40,000 satellite dishes from four factories secretly manufacturing satellite equipment in eastern Tehran (see section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of expression and the press, within limits. Article 23 of the constitution states "investigation

of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief." Article 24 of the constitution states "publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public." At the same time, 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.

In practice the Government severely restricted freedom of speech and of the press. The Culture Ministry must grant permission to publish any book, and it inspects foreign printed materials prior to their domestic release. According to the Tehran-based Association for Advocating Freedom of Press, state pressure on journalists increased after President Ahmadinejad assumed office in August 2005. Journalists were frequently threatened and sometimes killed as a consequence of their work. The December 19 UNGA resolution on human rights in the country expressed, among other abuses, serious concern about the continuing harassment, intimidation, and persecution of student activists, human rights defenders, NGOs, clerics, journalists and Internet writers, parliamentarians, students, and academics. It cited unjustified closure of newspapers and blocking Internet sites.

Basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by elements of the Government, notably the judiciary. During 2005 approximately 100 newspapers and magazines were closed for varying periods. Self-censorship, even more than formal governmental censorship, limited dissemination of information during the year.

The Government, through a state-controlled entity called the Sound and Vision Organization, directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the Government's political and socioreligious 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.

Beginning in August the Government increased confiscation of illegal satellite dishes in homes (see section 1.d.). 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.

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 1985 press law established the Press Supervisory Board, which is responsible for issuing press licenses and examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases the board may refer complaints to the press court for further action, including closure. Its hearings were conducted in public with a jury composed of 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. During the year there were numerous closures of newspapers and other press outlets, as well as arrests of journalists.

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 "temporary" bans indefinitely.

After the 1997 election of President Khatami, the independent press, especially newspapers and magazines, played an increasingly important role in providing a forum for debate over reform in the society. However, the press law prohibited the publication of a broad and ill-defined category of subjects, including material "insulting Islam."

In the early part of the year, at least two student activists affiliated with the reformist student group Office for Consolidation of Unity (OSU) were expelled from their universities by the Education Ministry. The OSU in particular reported harassment and detention of its members by government authorities, often plainclothes security forces. Students reported facing disciplinary committees, courts, and even

jail sentences related to their activities in student political groups. Student groups reported interference with their activities and with student elections. Several liberal and reform-minded professors were dismissed or forced to retire. On May 31, plain-clothes security forces detained Abdullah Momeni, a spokesman for the OSU. The previous week the Government detained two students at the Amir Kabir University in Tehran, blogger Abed Tavanche, and fellow student Yashar Qajar, of the Islamic Students Union. Tavanche and Qajar were held without charge and released at the end of July.

In January the Ministry of Intelligence and Security and the Ministry of Islamic Culture and Guidance jointly instructed the semi-official news outlets Iranian Student News Agency and Iranian Labor News Agency to not report on the arrests and prosecution of student activists without coordinating with those ministries, according to the news Web site Rooz Online. Rooz also reported that the Supreme National Security Council warned editors in chief not to publish political analysis that differed from the country's official policy. Tehran Prosecutor General Saeed Mortazavi reportedly stated that "freedom of the press and freedom of expression are not absolute and are subject to respect for Islamic and legal principles."

Domestic press reports indicated the Government attempted to limit the distribution of reformist campaign materials in the December 15 municipal council elections.

On January 8, a court in Mashhad gave blogger Ahmad Reza Shiri a three-year suspended jail sentence for articles published on his blog, according to Reporters Without Borders (RSF). Shiri was not jailed but must serve that sentence if he has further trouble with government authorities. According to RSF authorities often use suspended sentences to intimidate and silence journalists who criticize the Government.

On January 29, Elham Afroutan and six other journalists from the weekly newspaper Tamadon-e-Hormozgan in the city of Bandar Abbas were arrested for writing an article critical of Ayatollah Khomeini. Afroutan and one other journalist were reportedly released in June after posting bail, according to RSF.

The state-owned newspaper Iran was suspended following publication of a May 12 cartoon that incited riots among the country's Azeri minority (see section 5). On May 23, according to RSF editor Mehrdad Qasemfar and cartoonist Mana Nayestani were arrested and taken to Evin Prison. They were reportedly given a 50-day leave but returned to prison on October 12. At year's end both were believed to be out of prison.

On July 24, the East Azerbaijan province press court revoked the license of provincial daily Nada-yi-Azerabadagan and sentenced its editor, Abolfazl Vesali, to six months in jail reportedly for "inciting the public." Vesali was released on bail after spending 45 days in jail.

In August the Tehran public court revoked the licenses of the two publications (the monthly magazine Aftab and business newspaper Akhbar-e-Eqtesadi) and sentenced Aftab managing editor Isa Saharkhiz to four years in prison. Aftab was reportedly closed for "publishing false information," specifically, a series of articles critical of the country's prison system.

On August 19, the Supreme Court sentenced Saghi Baghernia, publisher of the business daily Asia, to six months in prison for "propaganda against the regime."

Also in August according to domestic press, government spokesman Gholam Hoseyn Elham wrote an open letter to Tehran prosecutor Mortazavi accusing some publications of a smear campaign against the Government and calling for legal action against publishers of "slanderous reports."

In September according to the Committee to Protect Journalists (CPJ), an appeals court upheld the one-year prison sentence against Mohammad Sadiq Kabudvand, Kurdish journalist and human rights activist. Kabudvand, who is also secretary of the Kurdistan Organization for the Defense of Human Rights, wrote for the now-defunct weekly Payam Mardom Kordestan and was convicted of "inciting the population to rebel against the central state."

On September 12, major reformist daily Shargh was closed by the Press Supervisory board. Authorities cited a satirical cartoon published on September 7 as the reason for the closure. Also on September 12, monthly publications Nameh and Hafez were closed. Government authorities reportedly pressured Shargh to replace its managing editor before the closure, but the paper did not comply. Following the closure of Shargh, a new publication, Rouzegar, began employing many of the original Shargh staff. On October 19, the new publication was suspended three days after it began publishing, when it ignored government warnings to avoid covering political topics.

On September 19, government officials raided the office of Advar News, a news Web site affiliated with the student group OSU. The Web site was shut at that time but resumed under a different name on October 4.

On October 12, three journalists from the Kurdish language weekly Rouji Ha Lat, Farhad Aminpour, Reza Alipour, and Saman Solimani, were arrested without charge. They were reportedly released one month later.

On October 16, proreform weekly Safir Dashtestan was reportedly closed for publishing an article critical of Supreme Leader Khamenei, according to RSF. Its publisher, editor, and an editorial assistant were detained; however, they were later released on bail.

In November 2005 RSF accused Ministry of Intelligence officials of harassing journalists, claiming government officials had summoned at least 10 journalists for questioning and advised them not to criticize the new President or write articles on sensitive issues like the nuclear program. HRW asserted, "By attacking a small percentage of those critical of the Government, authorities have been able to silence a much larger body of journalists, activists, and students."

There were threats and prosecution against journalists writing about ethnic issues. For example, Yusuf Azizi was arrested in April 2005 for writing about ethnic issues and released on bail in June 2005; as of year's end, he had resumed writing.

Throughout the year the Government continued to harass senior Shi'a religious and political leaders and their followers who dissented from the ruling conservative establishment. On October 8, authorities arrested dissident cleric Ayatollah Boroujerdi, who had publicly espoused the separation of religion and politics (see section 1.e.). In August 2005 Hojatoleslam Mojtaba Lotfi, the aide to Ayatollah Montazeri arrested in 2004 for publishing a book on Montazeri's five years of house arrest, was reportedly released from jail.

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. A 2004 poll by a domestic press outlet found many citizens trusted the Internet more than other news media. In 2005 approximately 6.2 million citizens used the Internet, and there were 683 Internet Service Providers (ISPs). All 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 newspapers and NGOs. During the year approximately seven million citizens used the Internet, although the Communications Ministry estimated as many as 16 million users of the "Internet and information technology," according to domestic press reports.

In October the Government imposed a limit of 128 kilobytes per second (KBps) 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.

In January Arash Sigarchi, journalist and Internet author, was sentenced to three years in prison for "insulting the supreme leader" and "propaganda against the regime." According to domestic press Sigarchi was reportedly released on medical leave on June 7, and on December 23, the Government acquitted him of all charges and declared the case closed.

RSF reported that during the year that 38 journalists were arrested and dozens of media outlets censored. According to RSF repression of bloggers decreased during the year, but Internet censorship increased. According to RSF the news Web sites Advar and Entekhab were blocked during the year as well as several Web sites dealing with women's issues inside the country. Women's groups reportedly launched an online petition during the year to protest Internet filtering.

In January 2005 Judiciary Chief Shahrudi and other judiciary officials met with several Internet writers about their claims of mistreatment. Domestic media later reported that Shahrudi instructed the public prosecutor's office to transfer the cases to a special committee. The report on the treatment of the Internet writers was never publicly released (see section 1.c.). Most of the writers were released on bail by the end of 2005. After their release, RSF reported authorities summoned the bloggers for questioning several times a week, and government officials threatened them.

In April 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. A study published by HRW in October 2005 listed Internet sites that had been blocked in the country, including women's rights sites, several foreign-based, 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. In October 2005 government authorities also blocked access to the Baztab news Web site. The Web site manager said they received a judicial order saying the temporary ban was based on a complaint related to the nuclear issue. In December 2005 13 Majles deputies protested Internet censorship in a letter to President Ahmadinejad and urged him to end the ban on these three sites.

Beginning in 2004 the Government launched a major crackdown on sites based in the country, including blogs (web-based publications of periodic articles with commentary by the author and readers), reportedly blocking hundreds of Internet sites. According to HRW in the past three years, Tehran Chief Prosecutor Saeed Mortazavi reportedly ordered more than 20 Internet journalists and civil society activists arrested and held in a secret detention center in Tehran.

In 2004 four of these detainees denied any mistreatment during a televised "press conference" arranged by Tehran's Chief Prosecutor Mortazavi. However, widespread and credible reports indicated that while in secret detention, threats, torture, and physical abuse were employed to obtain false confessions and letters of repentance (see section 1.e.). After their release, some detainees testified to a Presidential commission about their treatment. Commission member and former Presidential advisor Mohammad Ali Abtahi later wrote on his Internet site that detainees claimed they were beaten, held in solitary confinement, denied access to lawyers, and forced to make false confessions. In January 2005 Abtahi reported that the Government blocked access to his Internet site.

According to RSF the Government claimed to have blocked access to 10 million "immoral" Internet sites during the year. In 2005 the judiciary announced the creation of a special unit to handle Internet-related issues. According to press reporting, the judiciary highlighted over 20 subject areas to be blocked, including insulting Islam, insulting the Supreme Leader or making false accusations about officials, undermining national unity and solidarity, and propagating prostitution and drugs.

Academic Freedom and Cultural Events.—The Government restricted academic freedom. In September President Ahmadinejad called for the removal of secular and liberal professors from universities. Reports indicated dozens of university professors were dismissed or forced to retire. Student groups reported that during the year 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 November 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. In December 2005 President Ahmadinejad announced a ban on Western music, which remained in effect during the year. A September 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 Ahmadinejad assumed office in August 2005, the Supreme Cultural Revolution Council announced a ban of 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, labor 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 so-

ciety, harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students.

On March 8, police dispersed a rally in Tehran commemorating International Women's Day. Participants were reportedly attacked and beaten by police (see section 5). On June 12, police forcefully dispersed a women's rights demonstration; many protesters were detained and arrested, including former Majles deputy and human rights activist Ali Akbar Musavi Khoini. Khoini was subsequently released; however, others reportedly remained in prison at year's end.

On September 24, police reportedly arrested 30 activists who gathered in front of the UN office in Tehran to protest the death sentence of Kobra Rahmanpour, who was convicted of the stabbing death of her mother-in-law in 2000. She pled self-defense but received a death sentence.

On December 11, students disrupted a speech by President Ahmadinejad at Amir Kabir University, shouting slogans directed against him. Ahmadinejad reportedly spoke with some students following his speech and assured them they would not be punished for expressing their views; however, reports indicated some student participants still feared retaliation.

In December 2005 Sherkat-e-Vahed went on strike to protest nonpayment of wages, poor working conditions, and the arrests of 14 association leaders. Mansour Osanloo, the head of Sherkat-e-Vahed, was arrested at that time, and detained in Evin Prison. On January 28, Sherkat-e-Vahed members demonstrated, calling for the release of Osanloo and attention to their grievances. Police used force to disrupt the protest and arrested several hundred members of the syndicate, as well as some of their family members, according to the International Trade Union Confederation (ITUC). Family members and some of the workers were released, but at year's end there was no information regarding other reportedly detained workers. On August 9, Osanloo was released on bail but re-arrested on November 19 (see section 6.b.).

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.

The Government's 2002 dissolution of the Freedom Movement, the country's oldest opposition party, remained in effect.

c. Freedom of Religion.—The constitution declares 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; however, in practice the Government restricted freedom of religion. Religions not specifically protected under the constitution, particularly the Baha'i Faith, did not enjoy freedom.

The central feature of the country's Islamic republican system is rule by the "religious jurisconsult." Its senior leadership consisted principally of Shi'a clergymen, including the supreme leader of the revolution, the President, the head of the judiciary, and the speaker of parliament.

During the year, for the first time, 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.

On May 19, officials arrested 54 Baha'is in Shiraz. No charges were made, and all but three were released on bail within a week. The remaining three Baha'is were released on June 14.

On June 28, authorities re-arrested Baha'i member Pooya Mavahhed, who was first arrested in August 2005 on a charge of opposition to the Government but was released 10 days later on bail.

On August 17, according to press reports, authorities arrested Babak Rouhi in Mashad on counts of having made copies of a Baha'i book for a Baha'i function.

Societal Abuses and Discrimination.—The population is approximately 99 percent Muslim; 89 percent of the population is Shi'a, and 10 percent is Sunni. Baha'i, Christian, Zoroastrian, and Jewish communities constitute less than 1 percent of the population.

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 arrested and imprisoned at least one dissident cleric, Ayatollah Boroujerdi, during the year (see section 2.a.). All ranking clerics were pressured to ensure their teachings confirmed (or at least did not contradict) government policy and positions (see section 1.e.).

Sunni Muslims are the largest religious minority. The constitution provides Sunni Muslims 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, Balouchis, and Kurds. As an example of discrimination, Sunnis cited the lack of a Sunni mosque in the nation's capital, Tehran, despite over a 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. In November 2005 the domestic press quoted a leading cleric, Ayatollah Ahmad Janati, secretary of the Guardian Council, as saying humans who follow anything but Islam are like animals who graze and commit corruption. The comment was widely criticized in the country, and the Majles representative of the Zoroastrian community publicly condemned Janati's remarks. The representative was then summoned to court to face charges of spreading false news and showing a lack of respect for authorities, but no case was pursued against him.

All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. In June 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. Religious minorities are barred from election to a representative body, except for the five Majles seats reserved for minorities, 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 did serve 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. Women and Baha'i men remained excluded from the revised ruling.

Inheritance rules 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.

Furthermore, proselytizing of Muslims by non-Muslims is 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. There was no further information on the Internet report of a Christian killed in November 2005 who had converted from Islam 10 years earlier. Baha'is are 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 co-religionists 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 eliminate the Baha'i community eventually.

In March the UN Special Rapporteur 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 progovernment newspapers.

In December 2005 the longest held Baha'i prisoner, Zabihullah Mahrami, died in prison of unknown causes. Mahrami was arrested in 1995 and faced a life sentence for apostasy. Another Baha'i, Mehran Kawsari, who was sentenced to three years in prison in November 2004 after writing a letter to then-President Khatami on the situation of Baha'is, was released on bail on March 18.

On May 19, 54 Baha'is were arrested in the city of Shiraz. Those arrested were primarily Baha'i youths participating in a student volunteer program to tutor underprivileged children. All were released by mid-June.

Throughout 2005 the Government arrested 65 other Baha'is, detained them, and later released them on high bails, often in the form of property deeds. While they

were imprisoned, their families often were not informed of their location, and authorities denied any record of their arrests or did not indicate charges against them. Some were not allowed to work for several months after their release. Government agents also searched numerous Baha'i homes and seized possessions.

In October the National Spiritual Assembly of Baha'is of the United States reported that more than 300 Baha'i students passed the university entrance exam in the country and were admitted. The Baha'i group reported 201 students were allowed to register for university, but 14 were identified as Baha'is by their professors, dismissed from classes, and told they would need a Ministry of Education certificate to resume studies. At year's end they had reportedly not received responses from the ministry.

The December 19 UNGA resolution on the country's human rights expressed serious concerns about increasing discrimination against religious and ethnic minorities, citing the escalation and increased frequency of violations against Baha'is. It called on the Government to implement the 1996 UNSR report of the Commission on Human Rights on religious tolerance, particularly in regard to the Baha'i community.

In 2001 the U.S. estimated the Christian community at approximately 300,000. Of these the majority were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also were active, but they reported restrictions on their activities. The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians. Some unofficial estimates circa 2004 indicated that there were approximately 100,000 Muslim-born citizens who had converted to Christianity. The U.S. 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.

On September 26, authorities arrested Fereshteh Dibaj and Reza Montazami, Christian citizens, at their home in the northeastern part of the country. The Information Ministry held the couple for 10 days without bringing any charges against them, and agents confiscated their home computer and other belongings. They were released on October 5. Dibaj and Montazami operated an independent church in Mashhad.

In 2004 authorities reportedly arrested a number of Christians in the northern part of the country and imprisoned Hamid Pourmand, a Protestant minister and former military officer. In February 2005 a military court convicted Pourmand of "deceiving the armed forces" for not declaring he was a convert to Christianity. He was sentenced to three years in prison and discharged from the military. A judiciary spokesman said Pourmand was convicted for involvement with a "political group" and not because of his religion. In May 2005 the Bushehr Revolutionary Court cleared Pourmand of apostasy but sentenced him to three years in prison for espionage. At year's end there was no further information.

Estimates of the size of the Jewish community varied from 15,000 to 30,000. The Government's anti-Israel stance, in particular the President's 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.

On December 11 and 12, 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. Topics included: "Nazism and Zionism: Cooperation or Hostility"; "Holocaust: Concept and Justification/Evidence"; "Gas Chambers: Denial or Confirmation"; "Aftermath and Exploitation"; "Anti-Semitism and the Emergence of Zionism"; and "Western Media and Propaganda." Speakers at the conference universally called for the elimination or delegitimization of the state of Israel and concluded that the Holocaust did not occur or was an exaggeration used by Jews for political and financial gains.

On October 20, Channel 1 aired a science fiction film made in the country entitled The Land of Wishes. It featured an evil queen, adorned with a large Star of David and sitting on a throne in the "Black House" (which is also marked with a Star of David). The queen engages in a battle of "virtual warriors" with a young girl who seeks to free the masses the queen has enslaved. When the queen is defeated, her technicians die struggling to rescue a "medal"—also a Star of David.

In the fall the newspaper Hamshahri cosponsored a Holocaust cartoon contest in which the paper solicited submissions from around the world and awarded a $12,000 (approximately 111,000 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.

Within the domestic press, anti-Semitism in the media was present and anti-Semitic editorial cartoons depicting demonic and stereotypical images of Jews along with Jewish symbols were published throughout the year, primarily in the government-controlled owned daily newspaper, Al-Wifaq, and occurred without government response.

In October 2005 President Ahmadinejad told "The World Without Zionism" conference that, "as the Imam [revolutionary leader Ayatollah Ruhollah Khomeini] said, Israel must be wiped off the map." While chants of "death to Israel" had been common at public gatherings prior to this declaration, Ahmadinejad's comment was the first public call for Israel's destruction by a high-ranking government official in recent years. Supreme Leader Khamenei, while not repudiating Ahmadinejad's remarks, said the country would not commit aggression against any nation.

Nevertheless, Ahmadinejad continued in subsequent speeches to make similar comments, labeling the Holocaust a myth and calling for the removal of the Jewish state from the Middle East. For example, on April 15, at the opening of a conference supporting Palestinians he said, "Like it or not, the Zionist regime is headed towards annihilation." He followed this remark on April 27 on live state television claiming, "The regime in Israel will one day vanish." On July 8, Ahmadinejad stated that "the basic problem in the Islamic world is the existence of the Zionist regime, and the Islamic world and the region must mobilize to remove this problem," and later that month stated during an emergency meeting with Muslim leaders that "the real cure for the Lebanon conflict is the elimination of the Zionist regime, but there should be first an immediate cease-fire." On August 3, in a speech before the Organization of the Islamic Conference, he said, "the Zionist regime is fraudulent and illegitimate and cannot survive," and on October 19 and November 13, Ahmadinejad stated, "The regime in Israel will be gone, definitely. You, the Western powers, should know that any government that stands by the Zionist regime from now on will not see any result but the hatred of people." On December 12, he stated that he wished to give "thanks to people's wishes and God's will the trend for the existence of the Zionist regime is downwards and this is what God has promised and what all nations want. Just as the Soviet Union was wiped out and today does not exist, so will the Zionist regime soon be wiped out."

The sole Jewish member of parliament (MP) condemned the President's remarks on the Holocaust, noting in a September 22 BBC News article that "it is very regrettable to see a horrible tragedy so far reaching as the Holocaust being denied it was a very big insult to Jews all around the world."

The Jewish MP also complained in April 2005 that the state-run Islamic Republic of Iran Broadcasting (IRIB) television network transmitted anti-Semitic programs, although he noted this year that such broadcasts were sporadic. According to local press, IRIB replied in a letter later in April that was read in the Majles 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. IRIB's statement notwithstanding, anti-Semitic material on national television included a serial started in December 2004 called Zahra's Blue Eyes, in which Israelis reportedly kidnapped Palestinian children to harvest organs for transplant.

In recent years the Government has made education of Jewish children more difficult by limiting distribution of 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. Jewish citizens were permitted, however, to obtain passports and travel outside the country, without previous limits on multiple-exit visas or restriction on permitting all family members to travel at once.

In May a 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. At the end of the year, a Jewish community monthly publication stopped for unknown reasons.

The Mandeans, whose religion draws on Christian Gnostic beliefs, number approximately 5,000 to 10,000 persons, primarily in the southwest. There were reports that Mandeans experienced discrimination in the form of pressure to convert to Islam and problems accessing higher education.

The Zoroastrian community, whose religion was the country's official religion before Islam, numbers approximately 30,000 to 35,000.

Sufis are a minority Muslim sect whose practices focus on mysticism in Islam and involve dance and music. Sufis are sometimes regarded with suspicion by followers

of more orthodox interpretations of Islam. 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 February 14, according to authorities, 1,200 Sufi worshippers in Qom were arrested. Sufi groups and human rights activists placed the number of arrested at approximately 2,000. Qom officials announced that the worshippers were arrested following attempts by authorities to expel them from their place of worship. Officials in Qom said that the building had been illegally turned into a place of worship and worshippers who refused to leave had to be removed by force. Authorities further stated that more than 100 persons, including 30 police officers, were injured.

On May 4, 52 Sufis were sentenced to one year in prison, fines, and lashes (ultimately reduced to fines) in connection with the February incident. Their lawyers, Farshid Yadollahi and Omid Behrouzi, shared their sentence and were also banned from practicing law for five years.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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 movement of certain religious minorities and several religious leaders (see sections 1.d. and 2.c.), as well as some scientists in sensitive fields.

For example, Hojjatoleslam Ezimi Qedimi was convicted of "propagandizing in favor of groups and organizations against the system." On August 31, he was released after serving approximately five months in prison; however a five-year overseas travel ban remained in effect. Additionally, in January 2005 according to domestic media, former deputy minister for Islamic culture and guidance, Issa Saharkhiz, was banned from foreign travel. In December 2005 Emaddedin Baqi, President of the Association in Defense of Prisoners Rights, was prevented from going to France to receive a human rights prize. There was no indication during the year that these travel bans were lifted.

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 300 MEK affiliates housed in Iraq under MNF-I (Multinational Force Iraq) protective supervision.

Protection of Refugees.—The law provides means for granting asylum or refugee status to qualified applicants in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has established a system for providing protection to refugees. There were no reports of any forced return of persons to a country where they feared persecution; however, there were reports that the Government deported refugees deemed "illegal" entrants into the country. In times of economic uncertainty, the Government increased pressure on refugees to return to their home countries. The Government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and refugee seekers.

No information was available on government policy regarding temporary protection to individuals who may not qualify as refugees under the 1951 Convention or its 1967 Protocol.

In October at a UNHCR meeting on refugees in Geneva, Interior Minister Mostafa Purmohammadi estimated that the country hosted 950,000 legal refugees from Afghanistan, plus another one million illegal Afghan refugees. Reportedly, the UNHCR complained that government authorities pressured Afghan refugees to return to Afghanistan by suspending education and medical services and revoking res-

idence permits. On October 12, the provincial government of East Azerbaijan province announced Afghan refugees could not remain in the province and had until October 22 to present themselves to authorities for their situations to "be clarified." The Government accused many Afghans of involvement in drug trafficking.

According to a Western NGO, in February 2005 the country passed regulations that increased fines for employers of Afghans without work permits and imposed new restrictions to make it more difficult for Afghans to obtain mortgages, rent or own property, or open bank accounts. The Government did not impose the same restrictions on Iraqi refugees. These rules also included new restrictions on residence in certain cities and regions and lifted an earlier exemption from school fees for Afghan refugee children. UNHCR cut all education assistance to Afghans. In June the Government reduced the school fees charged for Afghan students, according to a Western NGO. During the year government officials called for increased repatriation of refugees to Afghanistan.

In January 2005 the judiciary announced amnesty for imprisoned Afghans, including those on death row. Following release, these Afghans were to be repatriated; however, there was no confirmation during the year that they were repatriated. There were reports in 2005 of Afghans being arrested and deported in the southeast of the country. Most were illegal migrants, seeking to stay in the country for economic reasons, but some had temporary residence permits. Government officials denied arresting refugees. A June 2005 survey by a Western NGO noted that the country had deported 140,000 Afghans, including some with refugee status. At one border crossing, the Government worked with UNHCR to allow deportees to claim asylum or cite other reasons why they should not be deported, but it did not set up similar facilities at other border crossings.

The UNHCR estimated that in 2001 there were approximately 200,000 Iraqi refugees in the country, the majority of whom were Iraqi Kurds, but also including Shi'a Arabs. In numerous instances both the Iraqi and Iranian governments disputed these refugees' citizenship, rendering many of them stateless.

During the past few years, however, a large percentage of these refugees were voluntarily repatriated. A Western NGO estimated that during the year there were approximately 54,000 Iraqi refugees in the country.

Although the Government claimed to host more than 30,000 refugees of other nationalities during the year, including Tajiks, Uzbeks, Bosnians, Azeris, 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.

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

Elections and Political Participation.—The right of citizens to change their government was restricted significantly. 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 is restricted to clerics, who serve an eight-year term and are chosen by popular vote from a list approved by the Council of Guardians. There is 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 Council of Guardians to mean men only), of Iranian origin, and believe in the Islamic Republic's system and principles. The Council of Guardians, which reviews all laws for consistency with Islamic law and the constitution, has "approbatory supervision," allowing it to screen candidates for election. The council only accepts candidates who support a theocratic state. The supreme leader also approves 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 are held for the presidency, the Majles, and the Assembly of Experts, as well as municipal councils.

On December 15, there were elections for the Assembly of Experts, municipal councils, and Majles by-elections. Hundreds of potential candidates, largely reformists, were disqualified by the Guardian Council and parliamentary electoral committees prior to the elections. Nonetheless, in the municipal election for the Tehran city council, reformists gained more seats than did supporters of President Ahmadinejad. In the Assembly of Experts elections, Ahmadinejad's political rival, Expediency Council chair Hojatoleslam Ali Akbar Hashemi-Rafsanjani, received the most votes in the Tehran constituency by a significant margin.

The December 19 UNGA resolution on the country's human rights expressed serious concern at "the absence of many conditions necessary for free and fair elections" including arbitrary disqualification of large numbers of prospective candidates.

On November 14, council spokesperson Abbas Ali Kadkhodai announced only 144 of the 492 prospective candidates were eligible to run in the December 15 Assembly of Experts elections. Reports indicated that 100 candidates withdrew their applications, and all female candidates failed the written exam on religious interpretation (ijtihad).

The fairness of the June 2005 Presidential election was undermined both before and during the polls. The Council of Guardians 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.

Many candidates and the Interior Ministry complained of irregularities during the polling, including interference by basiji forces. There were no international election observers. After the second round of voting, the supreme leader denied the allegations of basiji involvement, and the council validated the results on June 29, 2005. Domestic press said 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 Ahmadinejad won the run-off race with 61 percent of the votes.

Elections that were widely perceived as neither free nor fair were held for the 290-seat Majles in 2004. The Guardians 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 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. Following the June 2005 Presidential elections, these political groupings significantly reorganized, with new groups forming and existing entities changing leadership. Conservative groups splintered during the year; moderate conservatives appeared increasingly separated from fundamentalist conservatives. In the December 15 municipal elections, reform groups created a single electoral list for the Tehran municipal council elections.

In 2002 the Government permanently dissolved the Freedom Movement, the country's oldest opposition party, and sentenced over 30 of its members to jail terms ranging from four months to 10 years on charges of trying to overthrow the Islamic system. Other members were barred from political activity for up to 10 years and fined (see section 2.b.). Its leader, Ebrahim Yazdi, was no longer in prison; however, there was no information regarding the circumstances of other Freedom Movement members.

There were no female cabinet ministers, although one of the nine vice Presidents is a woman, and several women held high-level positions. There were 12 women serving in the Majles during the year, and one woman was elected to the Majles in the December 15 by-elections. Five Majles seats are reserved for religious minorities. Other ethnic minorities in the Majles include Arabs and Kurds. There were no non-Muslims in the cabinet or on the Supreme Court.

Government Corruption and Transparency.—There was widespread public perception of extensive corruption in all three branches of government, to include the judiciary, and in the bonyads (tax-exempt foundations designed for charitable activity that control consortia of substantial companies). In March Judiciary Chief Shahrudi criticized economic corruption in the state sector and urged creation of a central body with representatives from the state and private sectors to discuss issues of privatization and elimination of corruption; however, there was no known action on this body by year's end. On August 23, the Majles passed a law requiring all state officials, including cabinet ministers, and members of the Guardian Council, Expediency Council, and Assembly of Experts to submit annual financial statements to the state inspectorate.

In March 2005 Judiciary Chief Shahrudi claimed the judiciary was pursuing "700 to 800" corruption cases related to state officials. However, he clarified that these offenses were usually the work of "junior administrators" and high officials should not be prosecuted for the activities of their subordinates. In October 2005 in responding to criticism of a government report on corruption that omitted names, Shahrudi said that those involved with financial crimes would not be publicly identified until they are found guilty or the appeals process exhausted. In November 2005 he also reportedly told the Majles that inefficient economic institutions were at the root of corrupt practices and the duality of the economy—both state and private

ownership—contributed to the problem. There was no information during the year regarding further action on these corruption cases.

The country has no laws providing for public access to government information.

Section 4. Governmental Attitude 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 denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

In 2004 the Government granted permission to the Society for the Defense of the Rights of Prisoners to operate as an independent nonpolitical NGO. The group worked to protect detainees and promote prison reform, established a small fund to provide free legal advice to prisoners, and supported the families of detainees. Founders included former political prisons Emaddedin Baqi and Mohammad Hassan Alipour. During the year the group maintained a Web site with information addressing human rights issues and in June published a report about prisons in the country. There was no indication during the year that Judiciary Chief Shahrudi responded to their 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 and development, youth, environmental protection, human rights, and sustainable development. Some reports estimated that a few thousand local NGOs operated during the year. However, in late 2005 a more restrictive environment accompanied the new Presidential administration, including pressure on domestic NGOs not to accept foreign grants.

The European Union (EU) established a human rights dialogue with the country in 2002 but held its last meeting in 2004. In a December 2005 press release, the EU called the dialogue results disappointing and noted that the Government had not agreed to a meeting during the year. The EU also expressed deep concern that the human rights situation had not improved and, in many respects, had worsened. On November 16, the Ministers of the European Parliament adopted a resolution expressing concern about the deteriorating human rights situation and calling on the country to restart the human rights dialogue.

International human rights NGOs were not permitted to establish offices in or conduct regular investigative visits to the country. On an exceptional basis, in 2004 AI officials visited the country as part of the EU's human rights dialogue, joining academics and NGOs to discuss the country's implementation of international human rights standards.

The ICRC and the UNHCR both operated in the country. In June the Government allowed the UN Special Rapporteur on Adequate Housing to visit. The December 19 UNGA resolution on human rights in the country encouraged the Government to receive U.S. on extrajudicial, summary, or arbitrary executions; torture; independence of judges and lawyers; freedom of religion or belief; and freedom of opinion and expression. It also encouraged the Government to receive the Special Representative of the Secretary General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances.

The Islamic Human Rights Commission was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the Government established a human rights committee in the Majles, the Article 90 Commission, which received and considered complaints regarding violations of constitutional rights; however, when the seventh Majles formed its new Article 90 Commission in 2004, the commission dropped all cases pending from the sixth Majles. During the year the commission took no effective action.

Lawyer and Nobel Peace Prize winner, Shirin Ebadi, is a founder of the Center for the Defense of Human Rights (CDHR), which represents defendants in political cases. On August 3, the Government banned CDHR, claiming it had not obtained a proper permit, declared its activities were illegal, and stated that those who continued its activities would be prosecuted. Ebadi noted that according to the constitution, "nongovernmental organizations that obey the law and do not disrupt public order do not need a permit." At year's end CDHR was still reportedly banned.

Early in the year, a number 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, but those that filed

the paperwork had not received a response by year's end. In either instance they could be accused of operating without a permit.

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 use their language in schools. The poorest areas of the country are 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 eight-year war with Iraq has not been repaired; consequently, the quality of life of the largely Arab local population was degraded. Kurds, Azeris, and Ahvazi Arabs were not permitted to exercise their constitutional rights to study their languages.

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. Article 21 states the Government must ensure the rights of women in all respects, in conformity with Islamic criteria.

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 UN convention ending discrimination against women.

On March 8, security forces attacked a rally in Tehran commemorating International Women's Day (see section 2.b.). An estimated 400 demonstrators gathered, and the police forcibly dispersed the demonstration. Many demonstrators were reportedly beaten by police, including septuagenarian writer and activist Simin Behbehani. According to one women's rights activist, the rally organizers applied for a demonstration permit, but it was denied minutes before the rally was scheduled to begin.

On April 22, government spokesman Hamid Reza Asefi called feminist views and Western views of women's rights "unrealistic" and "unethical" and stated the issue was manipulated for international political purposes.

On June 12, security forces forcibly dispersed another women's rights demonstration and arrested approximately 70 to 80 persons, including former Majles deputy and activist Ali Akbar Mousavi Khoini. Demonstrators called for gender equality under the law, including equal rights in divorce, child custody, inheritance, and court testimony.

The December 19 UNGA resolution on country's human rights expressed serious concern at "the continuing violence and discrimination against women and girls in law and in practice." Early in 2005 a U.S. on violence against women visited the country and, at her final press conference, spoke out against legal gender bias. The report found the Government had taken significant but insufficient steps to address the problem of violence against women, and it called on the Government to ratify the UN Convention on the Elimination of All Forms of Discrimination against Women, which was proposed by parliament in 2003.

During recent years women fought for and received relative liberalization of gender-based treatment in a number of areas. However, many of these changes were not legally codified. The female members of the seventh Majles elected in 2004 rejected some previous efforts by their predecessors to achieve equal rights. For example, in October 2005 the Government announced that female civil servants in the Culture Ministry and female journalists at the state newspaper and news agency should leave the office by 6 p.m. to be with their families. However, there was no indication that violators would be punished.

In 2005 activists on women's issues expressed concern that the woman selected by President Ahmadinejad to lead the Center for Women's Participation, which is affiliated with the office of the President, did not have a background in women's issues. In addition the Government changed the name of the organization to the Center for Women and Family, raising concern that the organization sought to reorient debate on women's problems to focus only on those related to the home, concerns that proved accurate. During the year this office published reports on feminism with a negative slant. In one article it drew comparisons between feminism and prostitution.

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 widespread problem. According to the Government's 2005 report on the rights of the child, the Center for Women's Participation and the UN Children's Fund (UNICEF) organized the first educational workshop on women's and girls' human rights in January 2005. Freedom from violence was one of the workshop's topics. The report also stated that in 2004 the Center for Women's Participation established a national committee, based in the Health Ministry, to combat violence against women; however, during the year there was no information on committee activity since its formation.

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, although the issue received greater attention than in previous years. 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.

The law requires court approval for the marriage of girls younger than 13 and boys younger than 15. 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 are not granted rights associated with traditional marriage.

Women have the right to divorce if their 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 is not required to cite a reason for divorcing his wife.

A widely used model marriage contract limits privileges accorded to men by custom, and traditional interpretations of Islamic law recognize a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony. In 2002 the law was revised to make adjudication of cases in which women demand divorces less arbitrary and costly. Women who remarry are 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. In 2003 the Government amended the existing child custody law to give a mother preference in custody for children up to seven years of age (previously she only had preference for sons up to age two); thereafter, the father had custody. After the age of seven, 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. 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 (see section 1.a.). In August the Government reportedly authorized judges to resume the sentence of stoning (see section 1.c.). In October human rights groups and activists called on the Government to end the practice. Activists reportedly published a list of 11 persons who had been sentenced to stoning during the year and noted reports that two persons were stoned in May. Government officials continued to deny that stoning sentences were imposed or implemented.

The testimony of two women equates with that of one man. The blood money paid to the family of a female crime victim is half the sum paid for a man. A married woman must obtain the written consent of her husband before traveling outside the country (see section 2.d.).

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). Eighty-nine women registered to run for President in 2005, but all were rejected by the Council of Guardians. This year women's rights activists made an effort to allow women to run for the Assembly of Experts. 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. Two women took the religious qualification exam, but neither passed.

Women can own property and businesses in their name, and they can obtain credit at a bank. The law provides maternity, child care, and pension benefits. The number of women's NGOs has increased from approximately 130 to 450 in the past nine years.

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 (hejab), she can be sentenced to lashings and/or fined. However, absent a clear legal definition of appropriate hejab or the punishment, women were at the mercy of the disciplinary forces or the judge (see section 1.c.). 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 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 (see section 1.c.).

In January 2005 the Government delivered a presentation to the Committee on the Rights of the Child in compliance with its obligation as party to the Convention on the Rights of the Child. The Government noted overall improvement in the situation of children, particularly in education and health. The Education Ministry reportedly paid particular attention to elevating the educational status of girls. It also noted the Government's efforts to shelter refugees, many of whom were children. According to the report, 195,000 Afghan and Iraqi refugee children were in school, and UNHCR paid only 10 percent of the education costs. In June the Government reduced the school fees charged for Afghan students, according to a Western NGO.

At the same time, the report delivered to the Committee on the Rights of the Child acknowledged the need for other legislative protection and better enforcement of existing rules. The UN committee noted positively the provision of free education for all citizens up to secondary school. However, it expressed concern about persistent discrimination against girls and recommended the Government review all legislation to ensure it was nondiscriminatory. Among its recommendations, the committee urged the Government ensure all children were registered at birth and acquired permanent nationality without discrimination.

In July 2005 UNICEF held a workshop in Tehran to explore alternatives to imprisoning youths, according to UN Integrated Regional Information Networks (IRIN) (see section 1.c.). Only a few cities had a youth prison, and minors were sometimes held with adult violent offenders (see section 1.c.). According to 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 six. 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 (see sections 6.c. and 6.d.). Abuse was largely regarded as a private, family matter. According to IRIN child sexual abuse was rarely reported. Nonetheless, according to the Government's January 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. According to UNICEF it operated a hot line for children and their families in the city of Bam, which was akin to similar services that operated in other major cities. The services sometimes referred callers to a Ministry of Education counseling program. The Government also set up hot lines for children in foster care to report abuse. The July 2005 UNICEF conference in Tehran also addressed problems relating to child sexual abuse, including identifying, investigating, and protecting victims.

According to some reports, it is not unusual in rural areas for parents to have their children marry before they become teenagers, often for economic reasons. In 2002 the Majles sought marriage age limits of 15 for girls and 18 for boys without court approval, but the Council of Guardians objected, and the age was set at 13 for girls and 15 for boys. In the Government's January 2005 report to the Committee on the Rights of the Child, it noted that early and forced marriages should be stopped.

There are reportedly significant numbers of children, particularly Afghan but also Iranian, working as street vendors in Tehran and other cities and not attending school. In January 2005 government representatives told the UN Committee on the Rights of the Child that there were fewer than 60,000 street children in the country. Tehran has reportedly opened several shelters for street children. The Government's January 2005 report on the rights of the child claimed 7,000 street children had been resettled.

Trafficking in Persons.—According to foreign observers, women and girls are trafficked from the country to Pakistan, Turkey, and Europe 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, nor has it made significant efforts to do so. The Government arrested and punished several trafficking victims on charges of prostitution or adultery. In 2004 the Government conducted a study on trafficking of women, passed a law against human trafficking, and signed separate Memoranda of Understanding (MOU) with Afghanistan, Turkey, the International Organization for Migration, and the International Labor Organization (ILO). In December 2005 Iran, Pakistan, Greece, and Turkey formed a joint working group to fight human trafficking, according to Pakistani press reports. Domestic media reported that some trafficking networks were disrupted during the year.

Persons With Disabilities.—In 2004 the Majles passed a Comprehensive Law on the Rights of the Disabled; however, it was not known whether there was any implementing legislation. 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; nor was any information available on which government agencies were responsible for protecting the rights of persons with disabilities. The Government's January 2005 report on the rights of the child outlined health and education programs for children 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. In practice, however, minority groups have not always been permitted to use their respective languages in schools. Few minority groups called for separatism. Instead, they complained of political and economic discrimination. Presidential candidates, with the exception of the winning candidate, talked more about problems facing minority groups in the 2005 Presidential elections than in the past. Conservative candidate Ali Larijani, who later became the secretary of the Supreme Council for National Security and chief nuclear negotiator during the year, said all ethnic groups were important.

In June the U.S. for Adequate Housing reported rural properties, particularly those belonging to minorities, were expropriated for government use without fair compensation to the owners. In August 2005 the U.S. said that ethnic and religious minorities, nomadic groups, and women faced discrimination in housing and land rights, compounded by 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.

The December 19 UNGA resolution on the country's human rights expressed serious concern about continuing discrimination toward persons belonging to ethnic and religious minorities, including violent repression of Arabs, Azeris, Baha'is, Kurds, and Sufis. There was societal violence in northwest, southwest, and southeast regions of the country, populated by various ethnic groups. 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 early in the year as a pretext for repression.

In March 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.

In 2005 the Majles' national security and foreign policy committee studied the unrest in Kurdistan, and its rapporteur told domestic media that one factor was the comparatively high level of economic development in Iraqi and Turkish Kurdish areas. The representative from Sanandaj, Kurdistan also cited the lack of Sunni cabinet members as a grievance. However, the results of a government inquiry were not made public.

Foreign representatives of the Ahvazi Arabs of Khuzestan, whose numbers are estimated to be from two to four million, claimed their community in the southwest section of the country suffered from persecution and discrimination, including the lack of freedom to study and speak Arabic. Early in the year, there were several bombings in Khuzestan (see section 1.a.). 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, 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 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 allege torture and ill-treatment of Ahvazi Arab activists, including detention of the spouses and young children of activists.

In April 2005 protests in Ahvazi followed the publication of a letter—termed a forgery by the Government—allegedly written in 1999 by an advisor to then-President Khatami, referring to government policies to reduce the percentage of ethnic Arabs in Khuzestan (see section 1.a.). According to HRW after security forces attempted to break up the demonstrations and opened fire, the clashes turned violent and spread to other towns. The Government restricted press coverage of the events (see section 2.a.).

The Ahvazi Human Rights Organization wrote a letter to the UN in November 2005, claiming arbitrary arrests and executions of Ahvazi Arabs, including a lynching by security forces and extrajudicial killings in Karoon prison. The group claimed that in November 2005 three thousand Ahvazis staged a peaceful demonstration; however, security forces responded with tear gas grenades, and two Arab youths drowned as a result. The group also claimed the Government made mass arrests during a performance of a Ramadan play. Two persons arrested reportedly were sentenced to death.

In August 2005 the U.S. for Adequate Housing reported 200,000 to 250,000 Arabs were being displaced from their villages because of large development projects in Khuzestan. Land compensation was inadequate—sometimes one-fortieth of market value. Arabs also suffered from importation of labor from other regions, despite high local unemployment.

Azeris composed approximately one-quarter of the country's population and were well integrated into the Government and society, including the supreme leader and the head of the IRGC. 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 there were large-scale riots in the Azeri majority regions of the Northwest following publication of a newspaper cartoon considered insulting to Azeris (see section 2.a). 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 (see section 1.a). Authorities blamed foreign governments for inciting unrest.

The chief of the national police said security in southeastern Sistan va Baluchestan Province was more problematic than elsewhere in the country. In March a government convoy was attacked in the province, and 21 government officials were killed. The province has had high levels of ethnic unrest. In July 2005

an armed Sunni group claimed to have beheaded a government security agent, presumably in the province; however, the report remained unconfirmed.

Other Societal Abuses and Discrimination.—In 2004 the judiciary formed the Special Protection Division, a new unit that allowed volunteers to police moral crimes.

The law prohibits and punishes homosexuality; sodomy between consenting adults is a capital crime. The punishment of a non-Muslim homosexual is harsher if the homosexual's partner is Muslim. In July 2005 two teenage boys, one 16 and one 18 years of age, were publicly executed; they were charged with raping a 13-year-old boy. A number of groups outside the country alleged the two were executed for homosexuality; however, because of the lack of transparency in the court system, there was no concrete information. In November 2005 domestic conservative press reported that two men in their twenties were hanged in public for lavat (defined as sexual acts between men). The article also said they had a criminal past, including kidnapping and rape. It was not possible to judge whether these men were executed for homosexuality or other crimes.

According to Health Ministry statistics announced in October, there were over 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, government-sponsored low-cost or free methadone treatment, 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 in pharmacies. Nevertheless, persons infected with HIV 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, 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 the workers and a representative of management in industrial, agricultural, and service organizations of more than 35 employees. These 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 ILO because workers had no independent representation at discussions. Workers criticized official unions for being too close to the Government.

b. The Right To Organize and Bargain Collectively.—The country's ILO membership requires respect for the right of freedom of association. However, workers did not have the right to organize independently and negotiate collective bargaining agreements. The ITUC noted the labor code was amended in 2003 to permit workers to form and join "trade unions" without prior permission if registration regulations are observed. The Labor Ministry must register the organization within 30 days.

Workshops of 10 employees or less are exempt from labor legislation. According to the ITUC, over 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 are no mechanisms to protect worker rights in the public sector, such as mediation or arbitration.

In May members of the Syndicate of Bus Drivers of the Tehran and Suburbs Bus Company (Sherkat-e-Vahed) wrote a letter to President Ahmadinejad, asking him to respect their constitutional rights. In July ITUC and the International Federation of Transport Workers (ITF) lodged a joint complaint to the ILO calling for Osanloo's release. On August 9, Osanloo, head of Sherkat-e-Vahed arrested in December 2005 during a protest strike, was released on bail. He was re-arrested on November 19 and again released on December 19 (see section 2.b.).

In a May 2005 letter, ITUC protested an attack that month on a meeting at the Bakery Workers' Association related to founding a union at the Tehran Vahed Bus

Company. Reportedly 300 members of Hizballah and the Islamic Labor Councils attacked the site.

The ITUC also protested the detention in August 2005 of Borhan Divargar, a member of the Saqqez Bakery Workers' Union, and claimed he had been beaten. In November 2005 he was reportedly sentenced to two years in prison. The case was overturned on appeal, but the Government brought new charges of "attempting to hold an illegal gathering for the purposes of committing a crime." A November report indicated he was sentenced to two years' imprisonment. At year's end there was no further update in this case.

In November 2005 President of the Saqqez Bakery Workers' Union Mahmoud Salehi was reportedly sentenced to five years in prison and three years of exile. Salehi was also charged with contacting an ITUC delegation that visited the country in 2004.

In May the sentences of Salehi and fellow arrested labor activist Jalal Hosseini were appealed and overturned by the Kurdistan Province Court of Appeal. The Saqqez Revolutionary Court then brought new charges against Salehi and Hosseini for committing crimes against the country's internal security. On October 16 and 18, respectively, Salehi and Hosseini faced closed trials in Branch One of the Saqqez Revolutionary Court. A November report indicated that Salehi was sentenced to four years' imprisonment and Hosseini to two years' imprisonment.

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 (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and bonded labor by children; however, there appeared to be a serious problem with child labor (see section 5). 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. During the year President Ahmadinejad increased the minimum wage levels, but workers continued to claim that 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 should 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 six-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 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 25 million, is a republic with a freely elected government led by Prime Minister Nouri Jawad al-Maliki. The current administration assumed office on May 20, after the Council of Representatives (CoR) approved a unity government composed of the major political parties. The December 15, 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. During the year, sectarian violence increased and deepened.

Widespread violence seriously compromised the Government's ability to protect human rights. Sectarian-driven violence, acts of terrorism, and revenge by armed groups in a climate of criminality and impunity undercut government efforts to establish and maintain the rule of law. On one side, predominantly Sunni Arab groups such as Al-Qa'ida in Iraq, irreconcilable remnants of the Ba'thist regime, and insurgents waging guerrilla warfare violently opposed the Government and targeted Shi'a communities. The other, predominantly Shi'a militias with some ties to the Iraqi Security Forces (ISF), targeted Sunnis in large-scale death squad and kidnapping activities. While the law provides for civilian authorities' control over the security forces, there were many instances in which elements of the security forces acted independently.

The February 22 bombing of the Al-Askariya Shrine in Samarra set off a series of violent attacks that continued throughout the year. An increased level of sectarianism resulted in significant population displacements. Estimates of those displaced after the bombing ranged widely from 380,000 to 500,000 persons.

Insurgents and terrorists increased their bombing and targeting of markets, mosques, and religious pilgrims, largely on a sectarian basis. In addition to these attacks, death squads and terrorist groups attacked and killed shoppers and ordinary citizens such as bakers, street cleaners, and storeowners, again largely on a sectarian basis. These attacks caused thousands of deaths, principally in Baghdad, but also across the country in Kirkuk, Mosul, and in the South and to the northwest of Baghdad, reflecting a marked increase in extrajudicial killings over the previous year.

The Government was unable to diminish these violent attacks, although large efforts were made to implement better security measures, particularly in Baghdad. The Prime Minister, with the concurrence of the CoR, renewed each month the "state of emergency" originally declared in November 2004, excluding the provinces of the Kurdish Regional government (KRG). The state of emergency allows the Prime Minister to impose curfews and restrictions on public gatherings, associations, unions, and other entities; to put a preventive freeze on assets; to impose monitoring of and seizure of means of communication; and to have all armed forces directly report to him.

On November 5, the Iraqi Higher Tribunal found Saddam Hussein, whose regime murdered, tortured, and caused the disappearance of hundreds of thousands of persons, guilty of ordering the execution of 148 men and boys in Ad-Dujayl in 1982. On December 30, Hussein was executed.

During the year, the following significant human rights problems were reported: Pervasive climate of violence; misappropriation of official authority by sectarian, criminal, terrorist, and insurgent groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention facilities; arbitrary arrest and detention; denial of fair public trial; an immature judicial system lacking capacity; limitations on freedoms of speech, press, assembly, and association due to terrorist and militia violence; restrictions on religious freedom; large numbers of internally displaced persons (IDPs); lack of transparency and widespread corruption at all levels of government; constraints on nongovernmental organizations (NGOs); discrimination against women, ethnic, and religious minorities; and limited exercise of labor rights.

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. As well, the Ministry of Interior (MoI) and Ministry of Defense (MoD) both increased the numbers of trained security forces, which can be directed to establish an improved rule of law environment. 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.—The year was characterized by a climate of increasing violence, principally carried out by Sunni insurgents, Shi'a militias, terrorists, criminal elements, death squads, and errant government agents. The level of extrajudicial killings increased markedly over the previous year, according to numerous independent studies, but there is no consensus on the correct figures. During the year, according to the UN Assistance Mission for Iraq (UNAMI),

citing Ministry of Health (MoH) and the Baghdad Medical Legal Institute data, 34,452 civilians were violently killed (16,867 in Baghdad).

There were also other estimates of violent deaths directly attributed to the conflict. A government report presented a total of 14,298 violent civilian deaths directly attributed to the conflict. The large variation in numbers reflected different criteria for inclusion in the total (e.g., exclusion of deaths attributed to criminality), as well as uncertainty about additionality of hospital/morgue counts, among other possibilities.

Unauthorized government agent involvement in extrajudicial killings throughout the country was widely reported. Shi'a sectarian militias such as the oppositionist Jaysh al-Mahdi (Mahdi's Army) and the Badr Corps continued to be prevalent in the ISF, particularly in the center and south of the country. For example, killings and kidnappings in Basrah were carried out by militia members wearing police uniforms and driving police cars.

MoI-affiliated death squads targeted Sunnis and conducted kidnapping raids and killings in Baghdad and its environs, largely with impunity. On May 7, 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 MoI had found a terror group in its 16th Brigade that carried out "killings of citizens". On October 4, the MoI announced its decision to dissolve the 8th Brigade of the police for its support of death squads, and sent hundreds of personnel from that brigade to training. No results of the investigation of the brigade, or of the other arrests, were available by year's end.

In Irbil, Sulaymaniyah, and Dohuk, the three provinces comprising the KRG area of the country, there were fewer reports of violence than elsewhere. However, the KRG security forces were sometimes accused of using excessive force that resulted in deaths. For example, on March 16, at a student protest in Halabja, KRG security forces fired into the crowd when the protest turned violent, killing one student and injuring several others.

Insurgent and terrorist bombings, executions, and killings were a daily occurrence throughout all regions and sectors of society. Apart from attacks in Baghdad, the Sunni insurgency and terrorists launched numerous attacks in Anbar and Diyala provinces, and in Mosul and Kirkuk—areas noted for their high level of violence. A large number of attacks targeting Shi'a civilians were attributable to the jihadist Al-Qa'ida in Iraq, in furtherance of its stated goal to spark a sectarian conflict, weaken the Government, force the Coalition to withdraw, and establish a base for transnational terror operations. Other insurgent and terrorist groups also were involved in the violence. These groups targeted government workers, ordinary citizens, and members of the ISF among other groups.

According to government reports, 1,455 police officers were killed in targeted attacks during the year. For example, in a suicide bombing attack January 5 against a police recruitment center in Ramadi, 82 persons, many of whom were police, were killed, and 70 were wounded. Potential recruits were also widely targeted. For example, 23 potential police recruits were abducted, shot, and killed north of Baghdad on January 23.

The February 22 terrorist bombing of the al-Askariya Shrine in Samarra provoked a rise in sectarian violence. The al-Askariya Shrine represents one of the most revered sites for those of the Shi'a faith. Hours after the bombing of the holy shrine, a number of attackers, reportedly from the Jaysh al-Mahdi militia, conducted extensive raids and killings in Sunni neighborhoods in Baghdad.

In the months that followed the bombing, a cycle of daily sectarian retaliatory attacks resulted between Shi'a and Sunni. Sunni terrorist groups continued to engage in a number of bomb and mortar attacks on dense Shi'a neighborhoods. In a few examples among hundreds, on March 12, car bombs detonated at three markets in Baghdad's Shi'a-dominant Sadr City while families were shopping for food. These attacks killed at least 58 individuals and injured 200. On July 1, a car bomb at a crowded market in Sadr City killed 62 and wounded 114 in an explosion claimed by "the Supporters of the Sunni People," ('Ahl al-Sunnah al-Munaserai), a previously unknown group.

Terrorist attacks also targeted religious sites. On July 18, a suicide bomb killed 59 persons in Kufa, near the Shi'a holy city of Najaf, in an attack claimed by Al-Qa'ida. On August 10, 35 persons were killed and 122 injured by bomb blasts near the Imam Ali Shrine in Najaf on a day commemorating the death of Zainab, the Prophet's daughter. The soldiers of the Prophet's Companions (Jamaat Jund al-Sahaba) claimed responsibility.

The actions and apparent growth of predominantly Shi'a militias similarly contributed to the marked rise in violence. In particular, numerous reports indicated

that the Jaysh al-Mahdi militia was responsible for a growing number of raids and killings of Sunni citizens in Baghdad and other parts of the country during the year.

Throughout the country terrorist groups conducted sectarian attacks that appeared to be carried out with the intent of instilling fear and chaos in the population. On September 23, a Sadr City attack drew international attention when a suicide bomber killed up to 35 Shi'a women and children as they were waiting in line for cooking gas. On November 23, six car bombs in different parts of Sadr City killed 202 and wounded 250 persons. On December 12, a suicide bomber killed 70 persons and wounded at least 236 in Tayran Square, in Baghdad after attracting a crowd of day laborers to his truck with promises of work. There were numerous reports of terrorists attacking shoppers on the street, shopkeepers, garbage collectors, and others.

There were no publicly known judicial or disciplinary developments in the killings reported in the 2005 Human Rights Report.

b. Disappearance.—Kidnappings and disappearances remained a severe problem during the year; the majority of them appeared to be sectarian-related. A very large number of kidnappings were also conducted for ransom. The police solved virtually none of these cases.

During the year, many individuals disappeared, with frequent accusations directed at the police. Many Baghdad residents complained that family members were often taken without an arrest warrant by neighborhood police officers who would later call for a ransom. Numerous reports indicated that rogue police were involved in sectarian-motivated kidnappings. However, since criminals, insurgents, and militia members easily purchased and often wore police uniforms, there was no reliable data on actual police abuses.

In Basrah reports of kidnappings and killings, often by gunmen wearing police uniforms and riding in police vehicles, were a regular occurrence. The motives were reported to be ransom and political intimidation.

Kurdish security forces, including the armed forces (Peshmerga), internal security forces (Asayish) and intelligence services (Parastin/Zanyari), reportedly conducted illegal police operations outside KRG boundaries in the provinces of Ninawa and of Tameen, whose capital is Kirkuk. These operations abducted individuals and detained them in unofficial and undisclosed detention facilities in the KRG.

Incidents of political kidnappings also occurred during the year. For example, on July 1 CoR member Tayseer al-Mashhadani was kidnapped while driving from Diyala to Baghdad. Fellow parliamentarians protested the kidnapping by boycotting CoR sessions for a week. After prolonged negotiation between the Government and the kidnappers, she was released on August 26.

Other political figures did not share the same fortune. Ali al-Mahdawi, director of Diyala Health Directorate and Sunni nominee for deputy minister of health, was kidnapped on June 12 from within the MoH in Baghdad, where he was scheduled to meet the minister. This marked the first time that a kidnapping occurred inside a government ministry. His whereabouts remained unknown at year's end.

On March 6, Ahmed al-Mosawi, the head of the Iraq Human Rights Society, was kidnapped from the headquarters of the association. There was no information about his whereabouts at year's end.

During the year there was a marked increase in large-scale kidnappings. For example, on June 5, up to 50 persons were taken from the Salhiya neighborhood in Baghdad. The MoI publicly denied involvement, although residents reported that the assailants wore police uniforms. Several of those taken were later released after having been severely beaten. The whereabouts of the others was unknown at year's end.

On June 21, approximately 70 Ministry of Industry and Minerals employees on their way home from work were stopped at a temporary checkpoint. Gunmen boarded their buses, released the women, and drove off taking the male employees hostage. Approximately half of them were released, and the rest were presumed dead.

Until its fall in 2003, the former regime murdered, tortured, and caused the disappearance of many thousands of persons suspected of or related to persons suspected of opposition politics, economic crimes, military desertion, and a variety of other activities. Mass graves continued to be discovered during the year.

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. However, there were many, well-documented instances of torture and other abuses by government agents and by illegal armed groups. The Government's ability to respond to the violence with full transparency under strict adherence to the rule of law has been hampered by the

nature and breadth of the violence perpetrated by terrorists and death squads, and the lack of capacity, particularly in terms of pretrial detention facilities and maturing but still fragile security forces and institutions.

During the year, local and international human rights organizations continued to report that detainees held in several MoI and MoD detention facilities, as well as in KRG security forces detention facilities, were tortured and abused. Incidents of abuse included application of electric shocks, fingernail extractions, and other severe beatings. In some cases, police threatened and sexually abused detainees and visiting family members.

Serious reports of torture and killings were leveled at MoI's Serious Crime Unit detention facility in Basrah and the Khadamiya National Police detention facility in Baghdad. Former detainees in both facilities reported that they suffered severe beatings, electrocution, sexual assault, and, in some cases, gunshot wounds. There were also similar accusations against MoD facilities, particularly against the 5th Division, 2nd Brigade's detention facility in Baqubah.

Reports of abuse at the point of arrest, particularly by MoI's National Police forces and by MoD's battalion level forces, were common at year's end. Accusations included extreme beatings, sexual assault, and threats of death. There was little indication that MoI or other government officials took disciplinary action in cases alleging abuses, apart from some transfers within the ministry.

On December 25, British and Iraqi forces raided MoI's Serious Crime Unit, based at the Jameat police station in Basrah. The joint forces released 127 prisoners, including juveniles. Many of the prisoners showed signs of torture. The joint forces razed the building explaining that a torture chamber had been discovered in the building, and they did not want to risk it being re-used.

On May 30, a joint inspection team discovered that 1,431 detainees were being held in extremely poor conditions in the Baghdad Central Detention facility, a national police detention facility known as "Site 4." Since Site 4's capacity was only approximately 500 beds, inmates had insufficient space to lie down and instead sat knee-to-knee. Some detainees claimed that they were hung by handcuffs from a hook in the ceiling and beaten on the soles of their feet and their buttocks. Inmates claimed that interrogators killed some detainees. A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MoI personnel and adult prisoners. There were also allegations that some family members of the inmates were also sexually assaulted. Following the inspection of Site 4, the Government worked to improve conditions for the detainees, relocating many including juveniles to safer locations. In June arrest warrants were issued for over 50 suspected abusers. However, the MoI had yet to execute any of the arrest warrants by year's end.

Abusive interrogation practices reportedly occurred in some detention facilities run by the two KRG internal security forces and the two KRG intelligence forces. The Parastin/Zanyari forces reportedly operated separate detention facilities and prohibited human rights organizations as well as the human rights ministry from visiting their facilities and inspecting the treatment of detainees.

The KRG permitted visits to its MoI prison system by human rights organizations. The KRG Ministry of Human Rights (MoHR) also visited these prisons. Conditions generally were reported to meet international standards.

Insurgents, terrorists, and some militia members regularly beat, dismembered, beheaded, and electrically drilled and shocked their victims. For example, according to March 28 press reports, 30 decapitated bodies were found near the village of Mulla Eid, near Baqubah, north of Baghdad. A video shown on the Ansar al-Sunna Web site was reported on June 10 to show the beheading of three men who appear to be army soldiers. The blindfolded men identified themselves and said that they were part of a "death squad" before being decapitated. According to Reuters, police reported that the bodies of three persons, including a beheaded woman showing signs of torture, were retrieved on September 7 from the Tigris River near the town of Suwayra, south of Baghdad.

There were no developments in the November 2005 Jadriyah bunker investigation, in which hundreds of detainees were overcrowded and severely malnourished with many showing signs of severe torture and some reported deaths.

The national MoHR continued its own prison inspection program; its reports were not publicly available.

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 facilities. Additionally, the KRG operated its own detention facilities. According to the UNAMI March-April report, the general conditions of detention in the country were "not con-

sistent" with international human rights standards. Overcrowding and lack of judicial oversight were principal problems.

Justice ministry prison and detention facilities (otherwise known as the Iraqi Correctional Services or ICS) generally met internationally accepted standards for basic prisoner needs. Observers believed that, although isolated incidents of guard abuse occurred, this was not a systematic problem. The ICS internal affairs department monitored abuse or violations of UN standards for human rights in prisons. Medical care in MOJ/ICS facilities was satisfactory and in some locations exceeded the community standard. All prisoners received medical screening upon admission, follow up care as necessary, and had access to daily sick call with medical personnel.

However, a number of 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 were high due to mass arrests carried out under 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 of these detention facilities.

The ICS system operated 11 prisons and pretrial detention facilities, and Kurdish authorities operated seven. 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.

At year's end the total number of MoI detention facilities was unknown. Including police station holding stations, official MoI detention locations were estimated to number over 1,000 facilities. Additionally, there were reports of unofficial detention centers throughout the country. Unlawful releases and continued detention beyond the date of ordered release, as well targeting and kidnapping of Sunni-Arab detainees were reported. However, there were indications during the last months of the year of emerging Jaysh al-Mahdi militia influence within the MOJ prison facility system.

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 personnel and adult prisoners. Additionally, pretrial detainees and convicted prisoners were often held in the same facility due to space limitations.

The MOJ/ICS and KRG routinely permitted visits to prisons by representatives of the both the national and the KRG ministries of human rights. Access to national MoI detention and pretrial facilities, as well as to similar facilities of the KRG Asayish and intelligence forces, was generally not permitted for domestic and international human rights NGOs or intergovernmental organizations (see section 4).

The KRG MoI and MoLSA detention facilities met international standards for prisoner needs.

The KRG Asayish detention facilities did not provide consistent access to human rights organizations. The KRG MoHR did not visit these facilities. The KRG intelligence groups 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.

d. Arbitrary Arrest or Detention.—The constitution provides 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.—During the year the MOI exercised its responsibilities throughout the country except for the KRG area. Such responsibilities include providing internal security through police and domestic intelligence capabilities, and regulating all domestic and foreign private security companies. It also has responsibility for emergency response, border enforcement, dignitary protection, firefighting, and facilities protection. The army, under direction of the MoD, also played a part in providing domestic security. During the year, ISF often did not have sufficient capacity to prevent or respond to societal violence.

Sectarian divisions, personnel and equipment shortages, and unwillingness to serve outside the areas in which they were recruited were problems for all security forces.

The KRG maintained its own security forces as set forth in the constitution. The KRG functioned with two party-based ministries of interior. The Patriotic Union of Kurdistan (PUK) party controlled the ministry with oversight of the province of

Sulaymaniyah, and the Kurdish Democratic Party (KDP) controlled the ministry with oversight of the provinces of Irbil and Dohuk. The KRG also maintained two separate army forces and two separate internal security units. All four of these security forces detained and held suspects in custody.

Police effectiveness, particularly the national police, was seriously compromised by militias, sectarianism, and in the case of the KRG, political party influences. Corruption and a culture of impunity were rampant. During the year, after some investigatory efforts, the MoI announced the firing of hundreds of employees accused of corruption. Many employees accused of serious human rights abuses were transferred rather than fired or arrested.

Allegations of MoD abuses increased in the last few months of the year. Of note were complaints against MoD battalion level units that carried out arrests in Baghdad as well as against the 5th Division, 2nd Brigade operating in Diyala Province.

There were few documented cases of criminal proceedings brought against members of the security forces in connection with alleged violations of human rights. MoI authorities claimed that several policemen had been arrested and given both criminal and administrative punishments in cases where allegations of torture were substantiated. However, MoI did not provide information on individual cases.

Efforts to increase the capacity and effectiveness of the police continued, including through human rights training and other forms of assistance. Recruits received 21 hours of human rights and rule-of-law training from certified instructors during their 10-week basic police course. Officers received an additional 10 to 15 hours of human rights training during the six-week basic course. After completion of the basic course, police officers received an additional 34 hours of human rights and rule-of-law training in a four-week course. The MoI also continued to develop and provide training to its internal affairs section and inspector general sections.

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 one day. Under the 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.

In practice police and the army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous people 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. The army performed these law enforcement functions at the direction of the Prime Minister relying on authorization in the declared state of emergency.

At year's end, according to MoHR data reported in the UNAMI bimonthly report, the total number of noncoalition force official detainees in the country was 16,308, the great majority being Sunni. The ICS held 8,500; the MoI, 4,034; the MoD, 1,220; and the MLSA, 456. The KRG total was 2,098. The MoI figures were considered to be low estimates.

In practice very 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.

Lengthy detention periods without any judicial action appeared to be a systematic problem resulting from backlogs in the judiciary, slow processing of criminal investigations, an insufficient number of judges, and undocumented detentions.

There were a number of reports that KRG prisoners were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were many reports that family members were not allowed to know the location of the detainees, nor visit them. 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.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the judicial system is credited with efforts to maintain an independent stance. Exceptionally, ministers were legally 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 gave criminal im-

munity to some 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, 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 Higher Juridical Council (HJC).

The HJC's responsibilities include formulating and administering budgets for the courts, nominating and assigning judges to the various tribunals throughout the country, managing courthouses and related facilities, supervising personnel matters, and establishing guidelines and policies for the administration of the courts. 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 KRG judiciary remained part of the KRG executive branch's Ministry of Justice. Judges in the KRG system were accused of being appointed based on party ties.

While individual judges were viewed as objective and courageous, judges also were vulnerable to intimidation and violence. In some cases, particularly in Ninawa Province, judges refused to hear cases against insurgents and terrorists for fear of retribution. There were also reports that criminal cases at the trial level or on appeal to the Court of Cassation were not adjudicated on their merits, suggesting corruption or intimidation.

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. Defense attorneys rarely played a substantive role in the trials or hearings.

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.

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 it is to assemble evidence and adjudicate the guilt or innocence of accused persons.

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 are frequently participants in these pretrial investigative hearings, their roles are for the most part limited to recommending that the investigative judges pursue certain investigative avenues, 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 then responsible for trying the accused persons, 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 are afforded the opportunity to make brief closing statements about the issues in the case.

After deliberation among the members of the panel, the presiding judge announces the verdict and, in the case of a conviction, also sentences the accused person(s). 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 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 existing Federal Supreme Court was established in 2005, and its nine members were appointed by the Presidency Council. The constitution re-

quires that the CoR enact a law that will determine the membership of, selection, and jurisdiction 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 under the country's law from July 17, 1968, through May 1, 2003. On November 5, the IHT sentenced former dictator Saddam Hussein to death based upon his conviction for crimes against humanity relating to the murder 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 convicted at the same time of similar crimes. All three were sentenced to execution by hanging. Appeals were lodged on December 3, and the verdicts were confirmed on December 26. Saddam Hussein was hung on December 30. At year's end the sentences for the other two men had not been carried out.

The Anfal trial, which started on August 21, continued at year's end. The charges concerned the alleged genocide of the Kurdish population resulting in the deaths of an estimated 182,000 men, women, and children, in part by the use of chemical weapons. After the execution of Saddam, Ali Hassan al-Majid, widely referred to as "Chemical Ali," remained the most high-profile defendant in that case. At year's end investigations continued into a number of different crimes allegedly committed by members of the former regime, including the 1991 uprising, the draining of the marshes in the southern part of the country, and the invasion of Kuwait.

Political Prisoners and Detainees.—There were no reports that the national government held political prisoners or held persons without charge for the peaceful exercise of human rights or personal characteristics, opinions, or status.

Kurdish political activist Kamal Said Kadir had been sentenced to 30 years' imprisonment for "defamation of public institutions" in December 2005. On April 3, after much international attention, he was released from prison. Members of the Parastin, the security intelligence service of the KDP in Irbil, had arrested and detained him incommunicado for two months. Scant information was available concerning detainees in the KRG detention facilities.

There were detainees held in the KRG on security charges who were primarily held for political, sectarian, or ethnic reasons. Individuals were arrested for criticizing government officials. Demonstrators were arrested because they congregated in violation of regulations. Such arrests were for political reasons. The KRG minister of human rights stated that he did not consider these detentions to be a violation of human rights because they were within the law.

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 were focused on issues more directly related to security, and these procedures, and remedies were not effectively implemented

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 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 "Arabization" program and other policies of sectarian displacements. The deadline for filing claims is June 30, 2007. On November 30, 2005, new governing legislation was adopted that replaced the old CPA order and made certain changes to clarify the CRRPD process and make it fairer.

There were approximately 1,300 CRRPD employees in offices located in all 18 provinces and led by Ahmed al-Barrak, a former member of the Iraqi Governing Council.

At year's end the CRRPD had received over 124,000 claims nationwide. Of those claims, its regional commissions had adjudicated over 20 percent nationwide, with geographic variations.

The CRRPD issued approximately 2000 decisions awarding compensation of $22 million (28.6 billion dinars). The Government budget for all CRRPD compensation awards is $200 million (260 billion dinars). After adjudication, the CRRPD's only role in enforcement is to send official notifications of decisions to the real estate registry office and enforcement office of the regional court, which in turn are respon-

sible, respectively, for re-registering property in the name of successful claimants and evicting current occupants, as appropriate.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution mandates that homes not be entered or searched except with a judicial order issued in accordance with the law. The constitution also prohibits arbitrary interference with privacy. The Government attempted to respect these prohibitions in practice, although in numerous instances, the security forces did not.

Under the state of emergency, the Prime Minister may authorize authorities to detain suspects, and search them, their homes, and 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 police were instructed to comply with legal warrant requirements but reportedly often did not.

In the KRG 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 (see section 2.b.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The ISF operated in major military actions against insurgents, terrorists, and militias with the support of the Multi-National Force—Iraq. MoI forces also coordinated with Multi-National Force—Iraq to ensure a synchronized approach to security within the country.

Militia and terrorist killings were the main source of violence in the country. Former regime elements, local and foreign fighters, terrorists, and militias waged guerrilla warfare and campaigns of violence. According to government data, 627 army soldiers were killed during the year. Bomb attacks by Sunni terrorist groups against the Government and densely populated Shi'a areas were common and frequently prompted retaliatory attacks by Shi'a militias. Executions of military-age Sunni males became common after the Samarra Mosque bombing.

Government military and police forces under government control killed armed fighters or persons planning or carrying out violence against civilian or military targets. According to personal accounts and numerous press reports, these forces caused inadvertent civilian deaths. Treatment of detainees under government authority was poor in a number of cases.

Insurgents and terrorists typically targeted individuals whose death or disappearance would advance their cause, particularly those who were suspected of being connected to government-affiliated security forces. Bombings, executions, killings, kidnappings, shootings, and intimidation were a daily occurrence throughout all regions and sectors of society. Al-Qa'ida in Iraq claimed responsibility for a number of these attacks, although other insurgent and terrorist groups played a role.

Judicial security remained an overriding concern as violence and threats of violence affected judges in virtually all provinces. For example, on May 4, a female bomber removed an explosive-laden vest after being denied entrance to a Baghdad courthouse and left the vest outside the building, where it exploded killing at least nine and wounding 46 persons.

Within the past two years, 15 judges have been killed and many more threatened, prompting the resignations of some and requests by others to be transferred to other venues where they may be less at risk. The judiciary suffered from a severe shortage of judges which has affected their ability to process cases.

Throughout the year terrorists systematically damaged and destroyed key infrastructure, principally but not exclusively in the central region of the country. Sabotage against oil, electricity, and transportation reduced the movement of goods and availability of critical services to the population.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution broadly protects 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 seven years to any person who publicly insults the national assembly, the Government, or public authorities.

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.

The law restricts media organizations from incitement to violence and civil disorder, expressing support for the banned Ba'ath Party, or for "alterations to Iraq's borders by violent means." Under this provision, the Council of Ministers voted on September 7 to close the offices of Al-Arabiya television network for one month, considering its reporting to be fomenting "sectarian violence and war in Iraq." The

Council of Ministers order did not provide specifics as to why it considered Al Arabia's coverage to be fomenting violence. On October 7, the station resumed broadcasting again.

On November 5, Iraqi authorities shut down the offices of both Al-Zawraa and Salah Al-Din television stations, charging them with inciting violence, terrorism, and sectarianism. The Government sanctioned the reopening of Salah Al-Din television station on November 15. However, the Government recommended the continued closure of al-Zawraa satellite channel as well as a lawsuit against the owners and managers for airing 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. Despite the recommendation, 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. In practice, the law was actively used against media workers. For example, Al-Wasit newspaper editor Ayad al-Tamimi and reporter Ahmed Mutare Abass were arrested for slander in April 2005 and imprisoned for six months for publishing articles criticizing the judicial system and police corruption in Al-Kut, approximately 100 miles southeast of Baghdad. In August a Baghdad court released them without jail sentences at the conclusion of another trial for libel related to publications about Al-Kut, according to the international NGO Reporters without Borders.

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. The KDP sponsored the Kurdish-language newspaper Khabat (The Struggle), the Arabic-language version, Attaakhi, and KTV (Kurdistan television). KDP member and KRG Prime Minister Nechirivan Barzani also funded the popular television station Zagros. The PUK sponsored the Kurdish-language newspaper Kurdistani-Nwe (New Kurdistan), the Arabic-language newspaper Al-Ittihad, and KurdSat television. Minor parties such as the Kurdish Islamic Union also had their own newspapers and television stations.

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 Awena (Mirror) and Radio Nawa. However, their journalists were subject to frequent criminal prosecution for libel claims and extrajudicial intimidation by junior or midlevel political party officials.

Violence against the media, primarily by militia and insurgency groups, was commonplace, and self-censorship took place as a result. Media workers reported that they refrained from producing stories on insurgency and militia activity for fear of retaliatory attacks. During the year, more than 60 media workers were killed or abducted for a total of over 140 since 2003. One of the most reported killings of a media worker was that of well-known journalist and al-Arabiya television reporter Atwar Bahjat who was abducted February 22 and later killed after reporting on the attack on the Al-Askariya Shrine. Her technician and cameraman were killed along with her.

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.

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 electronic 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 freedom of choice in academic and cultural matters. In particular, Kurdish parties controlled the pursuit of formal education and the granting of academic positions in the KRG areas. 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.

Professors at Basrah University who were considered secular received written threats and demands to depart Basrah. Universities in Baghdad received numerous

threats to close down or face attack. During the year a series of killings targeted professors, particularly in Baghdad and Basrah.

On November 14, armed gunmen in old and new police uniforms kidnapped as many as 100 men from a Ministry of Higher Education Directorate building in central Baghdad. While some hostages were freed by the next day, others were later found dead. The minister of interior ordered an investigation into the role of several high-ranking police officials; however, the investigation produced no results by year's end.

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. During the year, 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.

In the KRG area, particularly in the province of Sulaymaniyah, demonstrations took place to protest government corruption as well as poor services. On August 8, KRG security forces opened fire during a protest in Darbandikhan, killing one man. Local human rights organizations reported that 100 protesters were arrested before, during, and after the demonstration. In an August 9 demonstration in Kalar, security forces reportedly shot into the crowd of protesters, killing one person and injuring several others.

Residents alleged that the KRG intimidated and imprisoned numerous participants of protests in Sulaymaniyah. In multiple demonstrations against poor services in the town of Chamchamal, participants reported that the PUK internal security forces as well as armed forces security carefully monitored protests, and in some cases overtly videotaped the proceedings. When authorities considered that the protests had become unruly, participants were detained, in some cases allegedly at undisclosed locations.

Freedom of Association.—The constitution provides 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. Within the KRG provinces, there was pressure to associate with the PUK party in Sulaymaniyah and the KDP party in Irbil 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 the individual 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 religious places of worship, as well as sectarian violence, hampered the ability of citizens to practice their religion freely.

The Government continued to follow longstanding discriminatory practices against those of the Baha'i Faith. During the year MoI continued to adhere to its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith. Without this official citizenship card, Baha'is experienced difficulty registering their children in school, receiving passports to travel out of the country, and proving their citizenship.

Constitutional provisions on religious freedoms countermand the Revolutionary Command Council (RCC) Resolution 201 of 2001, which mandates the death penalty for adherents of the Salafist branch of Islam (Wahhabism) and Law No. 105 of 1970, which prohibits the Baha'i Faith. These laws were selectively enforced against Baha'is, but at year's end they had not been formally repealed.

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. Reports of these coercive tactics were particularly widespread in the Shi'a-dominated ministries of health and transportation.

There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees that conformed to the religious preference of the respective minister.

There were numerous allegations that criminals within the ISF, largely Shi'a, targeted Sunnis for attack. Likewise, Sunni terrorist groups often targeted Shi'a in killings and displacement tactics.

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. Schools routinely scheduled examinations during non-Muslim holy days, and no special dispensation was given to students wishing to observe them.

During the year, there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Minorities living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property, eventually building Kurdish settlements on the confiscated land. In spite of reputed KRG discrimination against religious minorities, many non-Muslim minorities fled to the Kurdish region to escape violence and religious discrimination in other parts of the country.

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. Violence between Shi'a and Sunni Arabs based on religion continued and worsened markedly after the February 22 bombing of the Al-Askariya Shrine in Samarra.

Sectarian and vigilante checkpoints began to appear most notably after February. They ostensibly were for neighborhood security but often were used to identify and kill citizens based on their religion. Both Shi'a and Sunni mosques were heavily attacked during the year. According to the Sunni and Shi'a religious endowment offices, hundreds of Shi'a and Sunni mosques were bombed or otherwise attacked during the year.

Religious leaders were in several instances targeted for kidnappings and killings. For example, Ayatollah Husayn al- Husayni was kidnapped August 13 while in Baghdad. Mohammed Redha Mohammed, an Islamic religious leader in Kirkuk as well as CoR member, was killed in Baghdad on October 7 on his way to deliver Korans from the Sunni Endowment. Father Paulos Alexander was beheaded on October 11 after being kidnapped in Mosul, initially for ransom.

Members of the Yazidi community reported that they continued to be targeted by Islamists throughout the year. They complained that the misperception that they were devil-worshippers was behind some attacks that the community had suffered in the province of Ninawa.

Sabean Mandean leaders asserted that there was an increase in threats against and killings of members of their community during the year. Whereas in previous years Sabeans were kidnapped for ransom, Sabean leaders reported that they were being targeted for killings. Sabeans reported receiving numerous death threat letters accusing them of being "sorcerers" and urging them to leave Iraq altogether or face death.

Members of the Christian community indicated that they were targeted throughout the year, particularly by Sunni-affiliated terrorists. Threats against churches, religious institutions, members of the clergy and religious orders and individual Christians spiked after comments by Pope Benedict XVI which were perceived to be anti-Islamic but reportedly decreased after an apology was made. Both a Dominican convent in Mosul and the Chaldean Major Seminary of St. Peter in Baghdad were targeted during the year by terrorists, forcing followers to relocate. Several priests were kidnapped and then released for ransom, except Father Paulos Alexander.

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 all received death letters identifying them by sect and urging them to leave their homes or face death. Internal displacement based on religious or ethnic affiliation was fueled by these threats.

Islamist militants continued to target stores that provided goods or services considered to be inconsistent with Islam, for example alcohol. Liquor stores in Baghdad and in other areas were bombed, looted, and defaced by Islamic extremists.

According to the head of the Christian and Other Religions Endowment Office, the country's millennia-old Jewish population had dwindled to less than 20 persons in the Baghdad area as a result of migration over decades to Israel and other countries. There were also unverified reports of small numbers of Jews living in KRG areas. However, anti-Semitic sentiment remained a cultural undercurrent. As an example, a citizenship law, among other provisions, precludes Jews who immigrated to other countries from regaining citizenship. The law became effective when it was published in the Official Gazette in March.

On July 13, the speaker of parliament, Mahmoud al-Mashhadani, accused Jews of financing violent activity in the country designed to undermine the Muslims who control parliament and to bring their own agents to power. Mashhadani stated that although Muslims are accused of murdering and kidnapping men and women, these acts are the actually the work of "the Jew and his Jewish son" and that Jews, Israelis, and Zionists are using Iraqi money and oil in order to foil the activities of the Islamic Movement in Iraq. No government official condemned his statement.

For a more detailed discussion, see the 2006 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 in all parts of the country and the right to travel abroad and return freely. However, there were some limitations in practice.

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). The Government availed itself of these powers in practice in the course of the year.

There were some reports that the KRG employed checkpoints to prevent Arabs from moving into that area. For example, Arab travelers with a large number of suitcases were reportedly turned away. Despite these reports, thousands of Arab displaced persons were allowed entry into the region.

The MoI's Passport Office reinstated a policy to require women to obtain the approval of a close male relative before being issued a passport (see section 5, Women). Additionally, because of the longstanding prohibition of issuing national identity cards to those claiming the Baha'i Faith, some Baha'is were unable to obtain passports.

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).—The number of IDPs since the fall of the previous regime sharply increased following the February 22 bombing. Estimates of the number of persons displaced after the bombing varied between 380,000 and 500,000. The differing estimates derived from various compilations by the UN High Commission for Refugees (UNHCR), local authorities, the International Organization for Migration (IOM), the Ministry of Displacement and Migration (MoDM), and NGOs. More than 1.2 million IDPs had been displaced under the previous regime, the majority of whom continued in that status. According to UNHCR, there were a total of approximately 1.7 million IDPs at the end of the year, and 1 to 1.4 million Iraqis in neighboring countries, although a large percentage of them had left before 2003.

These IDP movements were caused by sectarian intimidation and violence, a poor security situation, and poor public services. 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 evict residents of the opposite sect. This overall campaign aimed at forcibly displacing citizens was the main reason for the increasing polarization of areas within Baghdad and outside of Baghdad.

Many Baghdad residents migrated to other neighborhoods, while others left the city altogether. Between 40 percent and 60 percent of new IDP flows were estimated to have originated in Baghdad. A large number of Christians left Baghdad not only for Mosul but also for Dohuk.

In Basrah sectarian violence caused a large number of Sunni Arabs to leave their homes. The estimated 30 percent of Sunni Arabs who have since returned to Basrah say they did so because they found hostile receptions in the places where they sought refuge.

Most recent IDPs were living with host families or renting houses in the host community. Other IDPs have occupied abandoned buildings (old factories, unoccupied military facilities) public buildings (schools, offices, and mosques), or homes abandoned by other displaced families. The IOM estimated that only approximately 3 percent of these IDPs were moving into camps set up by the MoDM or the Iraqi Red Crescent Society (IRCS). IDPs used some of these camps for short periods, as transit points in their displacement.

The Government, through MoDM, collected information about IDPs and provided some assistance to them in the form of humanitarian supplies. MoDM also coordinated with IRCS the provision of aid to IDPs. Additionally, IOM and NGOs also provided assistance to IDPs.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not yet established an effective system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government recognized as refugees more than 23,000 Palestinian and some 2,500 Syrians in the country. The Government has also implicitly recognized 14,000 Turks and 5,500 Iranians as refugees.

The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR provided protection and assistance to both Syrian and Palestinian refugees through rental subsidies, other forms of material assistance, and legal representation.

The Government re-established an interministerial committee charged with making group and individual refugee determinations. The committee did not review any cases during the year. The central government and the KRG agreed to integrate approximately 3,000 Iranian Kurd refugees in northern Iraq. The Government also continued to facilitate the reintegration of hundreds of Iraqi Faili (Shi'a) Kurds returning from Iran.

During the year, refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals. Protection for Palestinian refugees remained poor. There were credible reports that more than a dozen Palestinian refugees were murdered, and that police targeted Palestinians for arbitrary arrest, detention, and house raids. There was a wave of increased abuse of Palestinian refugees by the security forces and the general public following the February 22 bombing. Several hundred Palestinian refugees left Baghdad to seek refuge at the Jordanian and Syrian borders, and many more allegedly fled Iraq with false Iraqi passports. In April at the request of a Palestinian human rights group, Shiite cleric Grand Ayatollah Ali al-Sistani issued a letter urging the authorities and his followers not to harm the thousands of Palestinian refugees living in the country.

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).

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

On October 15, 2005, citizens voted 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 on December 15, 2005 when they elected the 275 members of the CoR. The Independent Electoral Commission of Iraq (IECI) had the sole responsibility for administering the October 2005 referendum and the December 2005 elections.

Elections and Political Participation.—In spite of the threat from terrorist and insurgent violence, the December 2005 national elections, as well as the October 2005 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 December 2005 election turnout of more than 70 percent indicated that voters had good overall access to the polling centers.

During the December 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 12 final report of the International Mission for Iraqi Elections stated that the December 2005 election met internationally recognized electoral standards for free and fair elections and the results of the elections reflected the will of the voters.

Political parties and candidates had the right to freely 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.

The country's political parties, as a general rule, tended to be organized along either religious or ethnic lines—sometimes both. Shi'a Islamist parties, such as the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the al-Da'wa al-Islamiyya Party, as well as such Kurdish nationalist parties as the KDP and PUK, were predominant political forces. Other political players included the Sunni Iraqi

Islamic Party and other ethnic minority parties, such as the Assyrian Democratic Movement.

Membership in some political parties conferred special privileges and advantages in employment. There were some reports that the KDP and PUK prevented the employment of nonparty citizens and that KRG courts favored party members.

By the end of the year, there had been no steps to undertake provincial elections. Provincial councils were not fully representative since many Sunni Arab groups boycotted the January 2005 election.

In the December 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.

There were 76 women in the CoR, 28 percent of the membership, and four female ministers in the Government: the minister of state for women's affairs and the ministers of human rights, environment, and housing and construction. Additionally, at least three cabinet members were from small religious and ethnic minority groups (see section 5, Women).

Government Corruption and Transparency.—Large-scale corruption pervaded the Government and was a severe problem. Public perception of government corruption continued to be high. Intimidation and politics were factors in some allegations of corruption, and officials sometimes used "de-Ba'athification" as a means 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.

The constitution provides immunity from arrest to members of the CoR unless the member is caught in the criminal act, or the charge is a felony and the immunity is overturned by a majority vote. CoR member Mishan al-Jabouri, charged with embezzlement, enjoyed this immunity until October 9 when the CoR voted to overturn his immunity.

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. On 15 separate occasions, the involved minister reportedly halted adjudication and arrest of employees suspected of corruption by the Commission on Public Integrity (CPI). In other cases, ministries effectively stalled the investigation by failing to provide information.

Despite these obstacles, there were several high-profile corruption cases that reached resolution. During the year, former minister of defense Hazem Sha'alan was convicted in absentia and sentenced to 60 years' imprisonment. He and 27 other officials were alleged to have played a key role in the theft of $1 billion (1.3 trillion dinars) in 2004. A number of other MoD officials were arrested and were pending trial at year's end.

Former minister of electricity, Ayham al-Samaraii was sentenced to two years' imprisonment on charges of corruption on October 11. He subsequently escaped from detention.

The CPI, formed in January 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 119 investigators, reports to the country's chief executive and legislature and has the authority to refer cases for criminal prosecution. During the year, the CPI received more than 2,000 cases to investigate, a caseload that far outstripped the organization's investigative capacity. By the end of the year, it had adjudicated few of its cases, due to intimidation and lack of training.

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. The mandate of this program, which comprises 2,500 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 is responsible for conducting audits of all contracts that ministries undertake.

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 had 11 employees or family members killed during the year.

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 to a particular ruling.

The former deputy commissioner of CPI was dismissed for engaging in prosecutions along sectarian lines.

According to UNAMI's September-October report, payroll fraud in the security forces was widespread. Police officers frequently required payment from would-be recruits to join the police force. Absenteeism was widespread, and in Kirkuk alone, half of the 5,000 police force and 13,000 army soldiers were reportedly absent at any given time, and many were permanently absent without leave, but still received their pay (see section 1.d.).

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

Generally, the Government was generally disposed to cooperate with the UN and its agencies on human rights issues. All nongovernmental investigation of alleged human rights violations, such as access to detention facilities, was highly restricted, according to the Government due to the security situation, as well as government policy (see section 1.c.).

The former regime did not permit the establishment of independent human rights organizations, and as such the NGO community in the country was still new. During the year, NGO activity and advocacy continued but remained weak overall. Almost 5,000 local NGOs were registered, although the number of members was small. The vast majority of human rights NGOs affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. NGOs serving women did not generally subscribe to this pattern.

The Ministry of State for Civil Society Affairs (MoSCA) continued its efforts to impose onerous registration processes and excessive documentary requirements on the NGO community. For much of the year, a number of local NGOs reported having their assets frozen arbitrarily despite compliance with burdensome reporting requirements. Women's rights NGOs appeared especially vulnerable to this disruption, which many attributed to disapproval of their activities and services. The ministry announced that assets were being released towards the end of the year; however, this claim could not be verified.

Unannounced and intimidating visits to some NGOs by representatives of the MoSCA demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur. 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. Both local and international human rights organizations continued to face obstacles in gaining access to prisons and detention facilities.

The Kurdish areas, which have largely been autonomous since 1991, were able to develop a stronger NGO community, although almost all 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.

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. The national MoHR also worked to monitor human rights abuse 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 CoR Committee on Human Rights did not play a significant role in developing human rights policy.

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 Government did not effectively enforce these provisions.

Women.—The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women.

The constitution prohibits all forms of violence and abuse in the family, school, and society. NGOs reported that domestic violence against women increased during the year, although no reliable statistics exist. Reportedly "honor killings" also in-

creased based on anecdotal observations from NGOs in the KRG as well as the KRG MoHR. In its March-April report, UNAMI reported that as many as 534 women may have been victims of honor-related crimes—including killings, torture, and severe abuse—in the Kurdish area alone since the beginning of the year.

Although the KRG amended its own penal code to render "honor" an aggravating rather than extenuating factor, continued reports of honor killings in the Kurdish region prompted the UN special representative to send a letter of concern to President Talabani on August 24. Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unpunished, with such abuse customarily addressed within the tightly knit family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as sympathy from both police and judicial personnel, further hampered efforts to bring perpetrators to justice.

Private shelters for women existed; however, space was limited and their locations were secret and subject to frequent change. 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.

The Penal Code prohibits rape, and imposes a maximum sentence of seven years' imprisonment on perpetrators. It was difficult to estimate the incidence of rape; however, NGO sources reported a significant increase in the number of cases. Several NGOs documented cases of rape committed by government officials, most of which were alleged to have occurred in the MoI during the initial detention of prisoners.

Female genital mutilation (FGM) is not illegal. Research done by NGOs operating in rural areas of the Kurdish region showed that FGM was practiced. NGOs reported few cases of FGM elsewhere. The Government offered no substantive assistance for victims of FGM.

Prostitution is illegal. Reports of prostitution increased; some of the increase was due to an increase in trafficking for sexual exploitation.

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. Many reported the presence of flyers in their neighborhoods threatening women who refused. Women were targeted for undertaking normal activities, such as driving a car, talking on a cell phone, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a very 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 targeted female university students in a number of cities, demanding that they stop wearing western-style clothing and cover their heads while in public. Additionally, these extremists allegedly called for a separation of male and female students in some universities.

During the year, the MoI's Passport Office reinstated a national policy to require women to obtain the approval of a close male relative before being issued a passport (see section 2.d.). In addition the general lack of security in the country and increasing pressure from fundamental religious parties had a serious, negative impact on women.

The Ministry of State for Women's Affairs, with a 17-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire 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 constitution provides that a minimum of 25 percent of the seats in the CoR be reserved for women. In national elections, women won just over 25 percent of the seats. Women hold 76 of 275 (or 28 percent) seats in the CoR, but they only chair two of the 24 standing committees. Moreover, many female politicians and civil society leaders complained that women were excluded from the Government formation process. Four women were appointed as ministers in the Government (see section 3).

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.

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.

On September 21, 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 the sectarian violence in other provinces, citing lack of capacity. No alternative education plans was made for the children by year's end.

Free primary education is compulsory for six years, and 89 percent of students reach the fifth grade. 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 six to 24 is 55 percent.

According to a 2005 Ministry of Development and Cooperation survey, youth literacy (ages 15 to 24) 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, especially in rural areas. MoH clinics provided health care, which was largely free to all citizens. There was no systemic distinction in the care provided to boys and girls.

FGM was performed in some instances (see section 5, Women). Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas.

MOLSA operated over 20 orphanages for older children in Baghdad and the provinces, housing a total of more than 600 children, and 40 orphanages for young children, housing approximately 1,500 children.

Despite efforts and laws against child labor, children often worked as laborers on rural farms or in street commerce. Press reports indicated that insurgents used children in diversionary tactics to distract security forces, as well as informers and messengers. Children sometimes participated directly in attacks as well, reportedly under the direction of Jaysh al-Mahdi militia, throwing rocks or other objects at security convoys.

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. The country, particularly in Kurdish areas, was considered a destination for trafficking of male laborers from Southeast Asia. There were also reports of girls, women, and boys trafficked within the country for commercial and other sexual exploitation.

Anecdotal evidence and media reports suggested that some trafficking victims were taken from orphanages and other charitable institutions by employees of these organizations. The MoLSA accused private orphanages of being involved in these activities and called for all private orphanages to be under its purview and inspection authority. There were also reports that criminal gangs used threats and blackmail to sexually exploit teenage boys 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 lesser priority. Trafficking crimes were not specifically enumerated in MoI statistics on criminal activity. However, the KRG reported instances in which it had followed up and resolved cases of trafficking. For example, the KRG determined that a Dubai construction firm had engaged in trafficking to bring 500 Indian and Sri Lankan laborers to the province of Irbil. The workers were not paid the contractually agreed-upon salary and were housed in squalid conditions with insufficient food. The KRG facilitated the return of the employees back to their home countries and pursued administrative penalties with the company.

The MoI does not monitor trafficking crimes, include them in the police training curriculum, nor conduct trafficking-related investigations.

Victims of trafficking reportedly were prosecuted for a number of crimes, including prostitution and document and passport fraud. There were also documented cases of women 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 are 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.

Seventeen 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.

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 Turkman, Arabs, Christians, and Shabak. 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, Turkmen, and Shabak.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public. A law concerning citizenship came into effect in March (see section 2.c.). Its provisions prevent Palestinians from obtaining citizenship, or Jews who immigrated to other countries, from reclaiming it.

Other Societal Abuses and Discrimination.—There was societal discrimination and reported violence against individuals based on sexual orientation. Laws that criminalized sexual assault against minors were used in a manner that targeted homosexual youth. There were several reported examples of juveniles sentenced to up to 10 years in jail for having engaged in same-sex sexual relations.

An advocacy group reported attacks on homosexual men by armed groups and militias during the year. For example, militias and men wearing police uniforms reportedly kidnapped at least five members of an advocacy group in al-Shaab, a poor Shi'a area of Baghdad in December. The mutilated body of one appeared several days later. Other reports of persons targeted because of their sexual orientation who were kidnapped or disappeared in Baghdad in the last months of the year included activists, a clothing store owner, and four barbers.

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. The exercise of labor rights remained limited, largely due to insurgent and sectarian-driven violence, high unemployment, and maladapted labor organizational structures and laws.

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. Under the 1987 labor law, government workers were considered professionals not entitled to join unions. This prohibition remained unenforced, although unmodified. In this situation, some government agencies tacitly accepted unions, while others banned them. There were no legal or practical restrictions on who may be a union official or advisor, excessive or arbitrary registration requirements, or restrictions on union political activity. The law did not prohibit antiunion discrimination by employers or others.

During most of the year, MoLSA recognized and dealt with unions belonging to the General Workers Federation of Iraq.

There were no reported prosecutions of unions, union federations, or leaders for corruption during the year.

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. There were no reported reprisals against strikers. Typically strikes in the public sector occurred due to low salaries. More common than strikes were popular protests over unemployment or lack of basic services. The law does not address collective bargaining, which is prohibited in the public sector and was not widespread in the country. Government labor courts are empowered to rule on labor code violations and disagreements.

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 (see Section 5, Trafficking in Persons). According to some press reports, foreign workers in the country were subjected to abusive treatment (see section 5, Trafficking in Persons).

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. The Child Labor Unit of MoLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law, maintain programs to prevent child labor, 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 one million families subsisting on a daily income of less than $1.00 (1,300 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 took action only as funded by the UN Children's Fund (UNICEF) or NGOs. For example, the Italian branch of the international NGO Terre des Hommes and UNICEF 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. UNICEF had established centers for working children in Irbil.

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 (1,625 million dinars). Unskilled workers must work 357 days per year to achieve this figure. These earnings were barely above poverty level ($2.00 per day or 2,600 dinars) 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 eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required.

According to some press reports, foreign workers in the country were subjected to abusive treatment; no legal action in this area was reported. According to press reports, foreign workers were also induced, tricked, or forced to enter the country for work via nearby countries including Dubai, Turkey, and Kuwait. In some cases the foreign workers were complicit in finding ways to enter the country or in accepting the wage inducements when they faced travel prohibitions to the country from their home country; in other cases, they were the victim of a more compulsory fraud involving passport confiscation or outright fraud where they discovered their destination en route. Some countries of origin undertook efforts to educate and to repatriate workers.

The occupational safety and health component of MoLSA had approximately 129 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

With a population of approximately seven million, including approximately 5.3 million Jews, Israel is a multiparty parliamentary democracy. "Basic laws" enumerate fundamental rights. The 120-member, unicameral Knesset has the power to dissolve the Government and mandate elections. On March 28, the 17th Knesset was elected democratically. On May 4, Prime Minister Olmert presented his government to the Knesset.

The judiciary is independent and has sometimes ruled against the executive, including in some security cases. Notwithstanding some cases of abuse by individuals, the civilian authorities maintained effective control of the security forces. (An annex to this report covers human rights in the occupied territories. This report deals only with human rights in Israel.)

Palestinians in the occupied territories are not citizens of the country and do not enjoy the rights of citizens, even if living in areas under full Israeli authority or arrested in Israel. The approximately 20,000 non-Israeli residents of the Golan Heights were subject to Israeli authority and Israeli law.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including serious abuses by some members of the security forces against Palestinian detainees. Poor conditions and improper application of security internment procedures (see annex) persisted in some detention and interrogation facilities. Institutional, legal, and societal discrimination against Israeli Arabs continued. Non-Orthodox Jews and other religious groups continued to face discrimination in personal and civil status matters. Women suffered discrimination and, in some cases, violence. The educational systems for Arab and Jewish students remained unequal. Trafficking in and abuse of women and foreign workers remained a problem in some areas and industries although the Government passed new antitrafficking legislation. De facto discrimination against persons with disabilities occurred. Government corruption and other criminal activity by political leaders was a problem.

On July 12, the Lebanese terrorist organization Hizballah killed three Israeli Defense Force (IDF) soldiers and kidnapped two others in northern Israel, resulting in a widened conflict in July and August. During that period, Hizballah fired missiles into Israel, killing civilians. Apart from the July-August conflict, Palestinian terrorist attacks killed 10 Israeli civilians and four foreigners during the year.

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.

On January 19, a border policeman killed Nadim Milham, an Israeli Arab, while reportedly searching for weapons in his home. A family member reported that police beat Milham and shot him when he attempted to escape; the Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa) claimed to have evidence that Milham was shot twice from behind. On November 21, the State Prosecutor's Office indicted the policeman for manslaughter; however, there was no further action by year's end.

On July 3, a police officer killed Mahmoud Ghanim, an Israeli Arab whom police suspected of stealing a car. According to police Ghanim was shot while attempting to run over police officers seeking to arrest him. Witness accounts collected by Mossawa indicated that Ghanim was shot in the back while sitting in his father's nonfunctioning car. At year's end the Police Investigation Department (PID) was investigating the shooting.

On October 4, a border policeman killed Iyad Abu Aya, an illegal Palestinian worker, in Jaffa. Abu Aya was shot during a police operation to arrest illegal workers. According to press reports, eyewitnesses said the shooting was not justified. The police officer was placed under house arrest pending a PID investigation; there were no further developments at year's end.

On January 6, the Government assigned a Deputy State Attorney to reexamine the PID decision to close its investigation into the police killings of 13 (12 Israeli Arabs and 1 Palestinian) protesters during October 2000 demonstrations (see sections 2.b. and 5). Nongovernmental organizations (NGOs) and Israeli-Arab community leaders generally welcomed the Government's decision to reexamine the PID investigation but questioned the impartiality of the Deputy State Attorney since his direct supervisor was among those responsible for the PID decision not to investigate the killings initially. At year's end the Government's review of the PID decision was ongoing.

The Orr Commission of Inquiry, established in November 2000 to investigate the killings, recommended measures, including a Justice Ministry investigation to determine if criminal prosecutions should be initiated against police officials found responsible. The Government has not implemented either the Orr Commission recommendations or those of a follow-up interministerial committee. On May 25, the Public Security Minister appointed an officer implicated by the Orr Commission to a position seen by observers as a promotion. On October 25, in response to a petition from the Legal Center for Arab Minority Rights (Adalah), the Supreme Court voided the officer's appointment.

In July 2003 a police officer killed an unarmed Bedouin, Nasser Abu al Qia'an, in his car at a road junction, under disputed circumstances. In September 2005 the Justice Ministry indicted the police officer, who was subsequently tried and found not guilty on the grounds of self-defense. An appeal filed by Mossawa was rejected during the year.

On July 12, Hizballah terrorists killed three and abducted two IDF soldiers during a cross-border raid from Southern Lebanon, resulting in a conflict that lasted until August 14. During the fighting Hizballah fired 3,970 short- and medium-range rockets at Israeli population centers, killing 43 civilians (including four who died of heart attacks during bombardments) and no military personnel, according to government figures.

Hizballah employed cluster munitions in these attacks on civilian population centers. According to Israeli police data, reported by HRW, Hizballah fired 113 cluster munitions rockets into northern Israel, killing one civilian and injuring 12. According to local media reports, the warheads of many of the rockets fired into northern Israel were loaded with ball bearings.

During the year Palestinian terrorists killed 10 civilians and four foreign citizens in the country. The terrorist organization Palestinian Islamic Jihad carried out two suicide bomb attacks, both of them at the same restaurant in Tel Aviv. The first attack, on January 19, wounded 31 persons. The second, on April 17, killed 11 and wounded over 60. On February 5, a Palestinian terrorist stabbed one person to death and injured five others in a shared taxi traveling on a highway outside Tel Aviv.

During the year Palestinian terrorists routinely fired rockets from the Gaza Strip into neighboring Israeli communities. According to the Government, the number of Qassam rockets fired at Israeli targets increased during the year to 901, as compared to 377 in 2005. The Government reported that four civilians were killed and 83 wounded in the attacks. Two Sderot residents were killed in Qassam rocket attacks on November 15 and 21.

In 2005 in the wake of the Shfaram attack, after Eden Natan-Zada, a member of the illegal right-wing Jewish movement Kach, killed four Israeli Arabs and wounded others when he fired on a bus, then Prime Minister Ariel Sharon ordered the amendment of existing legislation which authorized compensation only for victims of terrorist actions perpetrated by regular military forces or by an organization hostile to the State of Israel or the Jewish people. On July 19, the Government amended the 1970 Compensation Law for Victims of Hostile Acts to include any persons victimized by violence deriving from the Israeli-Arab conflict. Under the amended law, the Natan-Zada victims and their families were recognized as victims of terrorism and eligible for compensation.

In May 2005 the Haifa District Court convicted Alexander Rabinovitch of involvement in several years of terrorist activity against Israeli Arabs in Haifa. In September 2005 Rabinovitch was sentenced to four years in prison for assisting in the 2004 assassination attempt of Israeli-Arab Knesset Member Isaam Makhoul.

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; however, during the year reputable NGOs filed numerous complaints with the Government alleging that security forces tortured and abused Palestinian detainees. The Public Committee Against Torture in Israel (PCATI) filed complaints with the Government on behalf of alleged victims of torture, who, PCATI reported, were almost all Palestinian security detainees and prisoners at detention facilities in Israel. According to PCATI Israel Security Agency (ISA) agents used torture in about 20 percent of their interrogations. ISA and State Prosecutor's Office representatives stated that all torture complaints are examined by an ISA complaints examiner, under supervision of the state prosecutor, and disciplinary action or criminal charges can result if the examiner finds agents tortured a prisoner who was not suspected of holding time-sensitive and life-threatening information.

PCATI stated that no ISA officials had been tried on torture charges during the past five years. PCATI claimed the Government took insufficient action to hold accountable ISA interrogators against whom PCATI filed complaints and failed to take any actions during the year to investigate seriously or reprimand interrogators. According to the Government, no ISA agents were indicted or convicted for mistreatment or abuse of detainees during the year.

In August PCATI filed a complaint with the Attorney General 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 that time he was subjected to illegal means of interrogation, including simulated choking, painful positioning, sleep deprivation, beatings, and threats to arrest his family or destroy his home. At year's end the case was being examined by the State Attorney's Office.

In September 2005 PCATI notified the Israel Prison Service (IPS) and the ISA about treatment of a Palestinian resident of Tulkarm held in the Kishon Detention Center. The detainee alleged he was subjected to painful positioning, beatings, long periods of interrogation, threats, and food and sleep deprivation. On February 27, as part of a plea bargain, he was convicted and sentenced to 26 months' imprisonment. On May 7, the State Attorney's Office responded that the ISA suspected the detainee was involved in life-endangering terrorist acts to occur in the near future. Consequently, the Attorney General decided not to initiate legal action against the ISA interrogators. The state's response did not refute the complainant's allegations.

In December 2005 the Tel Aviv District Court rejected the state's petition to dismiss a lawsuit filed by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 and 2004, while seeking information on the whereabouts of Israeli Air Force navigator Lieutenant Colonel Ron Arad. According to media reports, an Israeli Defense Force (IDF) doctor who examined Dirani prior to his 2004 release—as part of a prisoner exchange—found evidence to support Dirani's claim. The state appealed the ruling of the Tel Aviv District Court to the Supreme Court, which was scheduled to hear the case on January 29, 2007.

During the year IDF soldiers and Border Police officers were indicted and convicted for abuse of Palestinians. On November 6, for example, the PID indicted three Border Police officers for abusing a Palestinian in Jerusalem. The three allegedly beat the Palestinian before making him kiss the police insignia on their uniforms. The case was ongoing at year's end.

Police and IPS officers were also disciplined for abuse or mistreatment of detainees. According to the Government, during the year courts convicted seven police officers and two prison officials for unlawful use of force, while 13 criminal indictments were handed down against police officers and IPS officials for this offense. According to government statistics, there were over 100 additional legal and disciplinary actions taken against police and IPS officers during the year.

On March 8, the PID commander told the annual Border Police convention that complaints against its officers had fallen by 36 percent in 2005, to 187. However, in a 2005 report, the State Comptroller's Office criticized the PID for failing to investigate cases of police abuse against foreign workers thoroughly. According to PID data cited in the State Comptroller's Report, 6,702 complaints were filed against the police in 2003, of which 3,916 were for improper use of force; 64 percent of complaints for improper use of force were not investigated.

Between January and November, the Hotline for Migrant Workers (Hotline), an NGO foreign workers advocacy group, helped six foreign workers to file complaints with the PID, accusing police officers of excessive violence during apprehension. Hotline reported that foreign workers usually decided not to file complaints or to testify, due to fear of prolonged detention while their cases were investigated. According to Hotline during the year, fewer migrants were arrested than in 2005. A Knesset Committee on Foreign Workers monitored excessive force by immigration police when detaining foreign workers.

Prison and Detention Center Conditions.—The law provides detainees the right to live in conditions that do not harm their health or dignity. However, interrogation facilities for Palestinian detainees were overcrowded and had austere conditions. Conditions and treatment at the Russian Compound interrogation center in Jerusalem remained harsh.

On November 7, a Physicians for Human Rights in Israel (PHR) representative reported medical staff in detention facilities often failed to follow up with prisoners who refused medical treatment. According to PHR prisoners who needed medical attention sometimes refused treatment for reasons such as mental illness or a fear of making the difficult journey—sometimes as long as nine hours—to a medical facility.

On March 3, the IDF transferred control of the Ofer Military Detention Camp to the IPS, leaving only two temporary detention centers in the West Bank under IDF control. Conditions in IPS facilities, which house common law criminals and convicted security prisoners (primarily Palestinians), and in the two IDF-controlled Provisional Detention Centers, which hold convicted Palestinian security prisoners, generally met international standards. The International Committee of the Red Cross (ICRC) had access to IPS and IDF facilities.

On August 13, in response to a case dating to 2003 regarding providing each detainee with a bed, the Government announced to the Supreme Court that, barring unusual circumstances, a bed would be provided for every inmate no later than July 1, 2007. In July the Public Defender's Office reported some detention centers were so crowded that there was no privacy for performing personal bodily functions.

In 2005 a reputable international organization reported receiving information that doctors examined prisoners to determine whether the prisoners could withstand further interrogation. The organization reported it intervened with the Government about this practice, but by year's end, it had received no further information.

While Israeli citizen prisoners 17 years and younger were separated from adult prisoners, Palestinian prisoners 16 years and older were treated and housed as adults. The ICRC reported that, as of October 31, the Government held 522 Palestinians of age 17 or younger; the youngest was 12 years old. The ICRC reported that most Palestinian minors were held in Hasharon and Ofek prisons; all had access to organized education provided by the Ministry of Education. Not all minors were separated from adults, but according to the ICRC, this situation was designed to keep families together or for minors to be close to home. The ICRC examined such cases on an individual basis.

The ICRC regularly monitored IPS facilities, as well as most IDF security prisoner and detention facilities; it did not monitor detention facility "1391." Pursuant to a 1979 ICRC-Israel agreement, it could not visit interrogation facilities but could meet detainees who had been interrogated in designated areas of these units.

The Government permitted some NGOs to monitor some prison or detention facilities. In addition NGOs can send lawyers and representatives to meet prisoners in those facilities. PHR was allowed to inspect police detention facilities and make several inspection tours per year but was not given comparable access to IPS facilities. The Israel Bar Association (IBA) and public defenders were permitted to inspect IPS facilities. The IBA has arrangements with the Government allowing selected lawyers to inspect prison, detention, and IDF facilities within the country.

In 2004 in response to a petition by the Center for the Defense of the Individual (HaMoked) to compel the Government to release information on facility 1391, a secret IDF detention facility, the Supreme Court gave the Government 60 days to respond to its undisclosed suggestions related to the facility. The court ruled that the Government must inform the court should any detainee be imprisoned in that facility. On January 22, the court ruled that the facility was legal but asked the Government to restrict its use. On August 8, 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.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions for citizens. Palestinian security internees fell under the jurisdiction of military law even if detained in Israel (see annex). Non-Israeli residents of the Israeli-occupied Syrian Golan Heights are subject to the same laws as Israeli citizens.

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 without delay, and to a fair trial. A bail system exists for Israelis and Palestinians; decisions denying bail can be appealed. As a general practice, according to B'Tselem, Palestinians detained for security violations were not granted bail. A citizen may be held without charge for 24 hours before being brought before a judge (96 hours for those suspected of a "security offense"). If the detainee is suspected of committing a security offense, the basis on which most Palestinians are detained, the police and courts can delay notifying legal counsel for up to 31 days. The Government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. In July in its annual report, the Public Defender's Office charged that the police often violated detainees' legal rights to meet in appropriate conditions with counsel without delay. The IPS responded that efforts were underway to remedy such problems; it cited budgetary constraints as a major impediment.

Role of the Police and Security Apparatus.—The ISA (or Shin Bet), under the authority of the Prime Minister, combats terrorism and espionage in the country and

the occupied territories. The National Police, including the Border Police and the Immigration Police, are under the authority of the Minister of Internal Security. An office in the Justice Ministry reviews complaints against police officers and may impose disciplinary charges or recommend indictments against officers.

The National Police were generally effective, but, according to the NGO Movement for Quality in government, lacked sufficient resources to address government corruption. Police corruption was generally not a problem. The police utilized training programs, often in coordination with human rights NGOs, to promote human rights awareness and cultural sensitivity. For example, police commanders regularly were issued human rights training kits for use in weekly seminars for subordinates; these include modules on religious and cultural sensitivity, diversity awareness and free speech.

Arrest and Detention.—The law provides that foreign nationals detained for suspected violations of immigration law be afforded an immigration hearing within four days of detention. They have the right to, but no guarantee of, legal representation. According to Hotline appropriate interpreters were not always present at the hearings, despite a 2002 commitment to provide them. For example, according to Hotline in October hearings were held without appropriate interpretation for Chinese and Thai detainees in the Zohar detention center. According to the Association for Civil Rights in Israel (ACRI), voluntary organizations must obtain a power of attorney from the individual they seek to represent before being permitted to work with him. Attorneys now can meet at Ben Gurion Airport with clients denied admission to the country and awaiting deportation; they can also meet clients who are illegal residents scheduled for deportation, before their clients have undergone the airport departure security check. A lawyer can seek an injunction to delay deportation; however, the client must subsequently wait in the Ben Gurion detention center to await the appeal decision.

According to Hotline foreign detainees were rarely released pending judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, detention could last months. This problem worsened during the year, according to Hotline, which in October recorded 118 detainees from such countries held for over six months in the Ma'asiyahu detention center alone, including asylum seekers awaiting a UNHCR decision. During the year Hotline documented a case of arrest and detention of an asylum seeker carrying protection papers issued by the UN High Commissioner for Refugees (UNHCR). An Administrative Tribunal later released the person after UNHCR intervention.

During the year the country continued to be a destination for Sudanese nationals; some were fleeing violence in Darfur and others were leaving Egypt following problems with Egyptian authorities. The circumstances of the approximately 280 Sudanese detainees prompted criticism from human rights organizations. Detainees were held either in detention centers or sent to controlled facilities, such as kibbutzim. During the year none received refugee status in Israel (see section 2.d.).

On May 8, responding to a petition from Hotline and the Tel Aviv University Refugee Rights Clinic, the Supreme Court gave the Government 30 days to create a new policy to deal with Sudanese detainees. In response the Government appointed an advisor to recommend to the Minister of Defense whether to release individuals held under the Infiltration Law. As of November 1, the advisor had reviewed approximately a third of the 280 Sudanese cases and recommended releasing seven detainees, who were paroled into the country to await judicial determination of their status. At year's end 80 Sudanese detainees were being held in kibbutzim and women's shelters, while approximately 200 remained in prison facilities. The Supreme Court scheduled a further hearing for January 2007.

Foreign embassies frequently received belated notification, or none at all, of their citizens' arrests, especially in the cases of foreign nationals alleged to have committed security-related offenses. Pursuant to the 1979 Emergency Powers Law, the Defense Ministry may detain persons without charge or trial for up to six months, renewable indefinitely, subject to district court review. Such detainees are permitted legal representation, but the court may rely on confidential information denied to detainees and their lawyers. Detainees can appeal their cases to the Supreme Court. As of December 23, according to B'Tselem there were 782 administrative detainees in IPS detention centers, while the IDF held two administrative detainees as of November 1.

On January 11, a PCATI field researcher from Hebron, Hassan Zaga, was imprisoned in the Ketziot Detention Center under an administrative detention order. In May a court extended the order for four months. In September a court refused a government request for further detention, and Zaga was released on November 15. According to PCATI Zaga had no opportunity to deny or refute the charges brought against him.

The Illegal Combatant Law allows the IDF to detain persons suspected of "taking part in hostile activity against Israel, directly or indirectly" or who "belong to a force engaged in hostile activity against the State of Israel." Under this law persons may be held for up to 14 days without access to an attorney. In the past human rights groups alleged abuse of administrative security detention orders and claimed such orders were used even when the accused posed no clear danger.

In 2005 the Government reported that it had detained Hassin Makded in facility 1391 for over 18 months under "extraordinary circumstances and exceptional grounds." He was subsequently released. The Government did not identify the period during which he was detained. On January 22, the Supreme Court upheld the legality of this secret facility but asked the Government to minimize its use (see section 1.c.). On August 8, the Government informed the court that it was holding two Hizballah detainees in the facility.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The Judicial Branch is organized into three levels: magistrate courts, six district courts, and the Supreme or High Court of Justice. District courts prosecute felonies and adjudicate civil disputes, and magistrate courts prosecute misdemeanors and adjudicate lesser civil disputes. There are military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is both a court of first instance and acts as an appellate court when it sits as the Supreme Court. Religious courts, representing the main recognized religious groups, including Christian communities, have jurisdiction over matters of personal status for their adherents (see section 2.c.).

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, in the opinion of the court, the interests of the parties are determined to be best served by privacy. The legal justifications for holding a closed trial include potential risk to state security, damage to foreign relations of the state, violation of a party's or witness's right to privacy, and to protect 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. The law provides for a hearing with legal representation, and authorities generally observed this right in practice. In cases of serious felonies—crimes subject to penalties of 10 years imprisonment or more—indigent defendants receive mandatory legal representation. According to the Government, counsel represented approximately 60 to 70 percent of defendants in lesser cases brought before the Magistrate Courts.

Military courts provide a number, but not all, of the rights granted in civil criminal courts. 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, according to PCATI in practice security prisoners have been sentenced on the basis of their coerced confessions, coerced testimony of others, or both. Counsel may assist the accused in such trials, and a judge may assign counsel to those defendants. Indigent detainees do not automatically receive free legal counsel for military trials, although they do in most civilian criminal trials. The defendant and the public receive the charges in Hebrew, and the court can order an Arabic translation. Military and criminal court sentencing procedures were consistent. Defendants in military trials can appeal through the Military High Court and also petition the civilian High Court in cases in which they believe there were procedural or evidentiary irregularities.

There are also custodial courts and four deportation courts to address the removal of illegal immigrants. These courts handle thousands of cases annually.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees. (See annex for discussion of Palestinian political prisoners and detainees.)

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary functions for civil issues in lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies also exist; domestic court orders are enforced.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Laws and regulations provide 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 matters, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews

can marry only in Orthodox Jewish services. Jews and members of other religious communities who wish to have civil marriages, Jews who wish to marry according to Reform or Conservative Judaism, those not recognized by Orthodox authorities as being Jewish, and those marrying someone from another faith must marry abroad to gain government recognition.

In July the Knesset extended the 2003 law that prohibits citizens' Palestinian spouses from the occupied territories from residing in the country. The extension applied also to the 2005 amendment allowing Palestinian men aged 35 and older and women aged 25 and older to apply for temporary visit permits (see sections 2.d. and 5). Civil rights groups criticized the amended law for continuing to deny citizenship and residency status to spouses of Israeli Arabs, who constitute the majority of those who marry Palestinians from the occupied territories. On May 14, the Supreme Court rejected petitions brought by Adalah, ACRI, and others challenging the law and its amendments. In its ruling the court observed that the law was within the bounds of proportionality with regard to the balance between individual rights and state security.

The authority to grant status to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Minister of the Interior. An ACRI report indicated that the ministry refused to register children in the population registry born to an Israeli father and foreign national mother without detailed proof of the father's Israeli citizenship; the child would receive a birth certificate but not be eligible for certain state benefits. At year's end an ACRI petition against this policy was pending with the Supreme Court.

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, subject to restrictions concerning security issues. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations.

On November 23, according to a report from Adalah, the State Prosecutor's Office announced it would open a criminal investigation for racial incitement over an article in the Hassidic World magazine critically describing Arab Muslims and Christians in insulting terms (see section 2.c.).

Nuclear whistleblower Mordechai Vanunu, released in 2004 after serving 18 years in prison for treason and espionage, continued to be subjected to detailed restrictions on speech and movement (see section 2.d.). In April and October, the IDF renewed the prohibition on contacts with the foreign press. In November the Supreme Court continued to consider Vanunu's third petition to annul his restrictions. According to his lawyer, at year's end Vanunu's criminal trial on charges that he violated his restrictions in 2005 was ongoing.

In 2001 Arab Knesset Member (MK) Azmi Bishara was indicted, after the Knesset lifted his immunity, for making allegedly pro-Hizballah statements in 2000 in Syria and later in the city of Umm al-Fahm (see section 2.d.). In January after four years of legal proceedings, the Supreme Court dismissed all criminal charges and ruled Bishara's speeches were protected by parliamentary immunity.

The country has 12 daily newspapers, 90 weekly newspapers, more than 250 periodical publications, and a number of Internet news sites. All newspapers in the country were privately owned and managed. Political parties and religious bodies owned three minor dailies designed for Orthodox Jewish readers. The 1933 Journalism Ordinance and the British Mandate Defense Regulation for the Emergency Time Period were adopted upon establishment of the state; subsequently, the ordinance was never amended. The Ministry of Interior has no authority over the military censor. According to the Journalism Ordinance, anyone wishing to publish a newspaper must apply for a license from the locality where the newspaper will be published. The ordinance also allows the Minister of Interior, under certain conditions, to close a newspaper. In 2004 the High Court heard a petition filed by ACRI challenging the ordinance. ACRI withdrew its petition after the Interior Ministry pledged to prepare legislation effectively canceling the ordinance. At year's end legislation had not been enacted.

The Israel Broadcast Authority, the country's state broadcasting network, controls the Hebrew-language Israel Television (Channel 1) 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. In February 2005 the authority prohibited advertisements for the so-called Geneva Accords in which Palestinian public

figures told Israelis, among other points, "You have a partner for a peace agreement." The authority claimed that its regulations on television commercial ethics prohibited it from airing commercials on "controversial issues." A consolidated cable company and one satellite television company carried international networks and programs produced for domestic audiences.

The law authorizes the Government to censor on national security grounds any material reported from the country or the occupied territories regarded as sensitive. An agreement between the Government and media representatives provides for military censorship only in cases involving issues that the armed forces believe could likely harm the country's security interests. All media organizations must submit materials covered by the agreement to the censor for approval. This agreement deals with specific military issues as well as strategic infrastructure issues such as oil and water supplies. Media organizations may appeal the censor's decision to the High Court, and they cannot be closed by the military censor for censorship violations. The military censor cannot appeal a court judgment. Foreign journalists must agree to submit sensitive articles and photographs to the military censor. In practice they rarely complied.

Following an intensive public debate on the role of the media during wartime, as a consequence of censorship concerning, for example, specific locations of Katyusha rocket strikes, the Israeli Press Council established a Special Committee to Examine Journalistic Ethics and Conduct During War. Its conclusions were scheduled for publication following the final committee meeting on February 2, 2007.

On July 16, Walid al-Omary, the Jerusalem bureau chief of Al-Jazeera, was detained by police in the northern coastal city of Acre for six hours. Police accused him of providing information to the enemy by giving specific information on Katyusha rockets landing in Haifa; he was released on bail, and no charges were subsequently filed.

All journalists operating in the country must be accredited by the Israeli government Press Office (GPO). On September 20, 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 and security considerations.

News printed or broadcast abroad may be reported without censorship. There were no recent reports that the Government fined newspapers for violating censorship regulations.

Internet Freedom.—There were no government restrictions on Internet access or reports of the Government monitoring e-mail or Internet chat rooms. Individuals and groups engaged in peaceful expression of views via the Internet, including by electronic mail. Approximately 3.7 million persons had Internet access through dial-up, broadband, and mobile services.

Academic Freedom and Cultural Events.—The Government respected academic freedom. There were no government restrictions on 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.

Freedom of Assembly.—In April according to press reports, 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. According to the study, violent confrontations between police and demonstrators occurred in 70 percent of major cases examined during recent years. On November 5, the Attorney General authorized a gay pride parade scheduled for November 10 in Jerusalem, and the Supreme Court rejected several petitions to cancel the parade (see section 5).

In December 2005 Adalah filed complaints with the PID against border policemen for allegedly using excessive force against a demonstration in the Bedouin community of Al-Mashash in November 2005. The demonstration and ensuing police raid were prompted when government officials arrived in the Negev village to deliver demolition orders for illegally constructed buildings. According to Adalah 12 protesters, including a pregnant woman, were injured during the clashes. At year's end the PID had not responded to the allegations.

Freedom of Association.—The law provides for the right of association, and the Government generally respected this provision in practice.

c. Freedom of Religion.—The law provides for freedom of religion, 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," establishing Judaism as the country's dominant religion. Consequently, the Government implements certain policies based on Orthodox Jewish interpretation of religious law, in-

cluding marriage, burial, and work on the Sabbath. Government allocations of state resources favor Orthodox Jewish institutions.

The law confers recognition on some religious communities, granting them legal authority over their members in personal status matters, such as marriage and divorce. These communities include: 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). Since the founding of the country, the Government has recognized three additional religious communities—the Druze in 1957, the Evangelical Episcopal Church in 1970, and the Baha'i faith in 1971. The Government has defined the status of several other Christian denominations by means of individual arrangements with government agencies.

Several religious communities were not recognized, including Protestant groups; however, unrecognized communities practiced their religion freely and maintained communal institutions, but were ineligible to receive government funding for religious services.

According to government figures, during the year the budget for religious services and religious structures for the Jewish population was approximately $326 million (1.4 billion NIS). Religious minorities, which comprised approximately 20 percent of the population, received about $26 million (112 million NIS), or just over 7 percent of total funding.

The Government does not explicitly codify recognition of a Muslim community. Lack of codified recognition did not affect the religious rights of Muslims. 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.

Under the Law of Return, the Government grants citizenship and residence rights to Jewish immigrants and their immediate family members. In March 2005 the High Court ruled that, for the purpose of conferring citizenship rights, the Government must recognize non-Orthodox conversions of noncitizen legal residents that were begun in Israel but formalized abroad by acknowledged Jewish religious 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 under the Law of Return. However, in October conversion officials charged that the Interior Ministry was obstructing such prospective immigrants who had undergone Orthodox conversion courses in the country. The Government does not recognize non-Orthodox conversions in the country for the purpose of immigration under the Law of Return. In November 2005 the Israel Religious Action Center challenged this practice in court; on November 12, the Supreme Court held its first hearing on this petition, and the case was ongoing at year's end.

In 2004 ACRI released a report charging that the Interior Ministry's population authority sought to prevent non-Jews—particularly spouses of Israeli citizens—from obtaining resident status. ACRI charged that the Interior Ministry's population registry subjected non-Jewish spouses and non-Jewish adopted children of Jewish immigrants to unfair and at times arbitrary requirements for residency, including having to leave the country before filing a residency application. On March 16, in response to an ACRI petition, the Supreme Court ordered the Interior Ministry to process residency applications for common-law spouses of citizens, without requiring them to leave the country. Most cases involved persons who immigrated under the Law of Return from the former Soviet republics and their non-Jewish spouses and non-Jewish adopted children.

In April 2005 then Prime Minister Sharon established an interministerial committee to draft legislation outlining guidelines by which foreigners might become citizens. At year's end the interministerial committee had not taken action.

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. Jews who wish to marry in Reform, Conservative, or secular ceremonies must do so abroad. According to Central Bureau of Statistics figures, more than 32,000 citizens married outside the country between 2000–04; almost half were couples in which both husband and wife were Jews. In 1995 the Government asked foreign consular officials to stop performing marriages in the country, citing potential legal problems for its citizens who marry in consular services. In April 2005 the High Court instructed the Government to inform it within three months of its position on recognizing marriages performed by officials of foreign embassies in the country;

at year's end the Government reportedly continued to review its policy. On November 21, the High Court issued a ruling requiring the Government to recognize same-sex marriages legally performed in foreign jurisdictions (see section 5). A 1996 law requiring the Government to establish civil cemeteries has not been implemented adequately.

The 1967 Protection of Holy Sites Law protects all holy sites, but the Government has issued implementing regulations only for Jewish sites. In 2004 Adalah petitioned the Supreme Court to compel the Government to protect Muslim sites; it charged that all of the locations designated as holy sites were Jewish, and the Government's failure to implement regulations had resulted in desecration and conversion of individual Muslim sites. Responding to a 2004 Supreme Court order to respond within 60 days, the Government said on January 1 that it had appointed an interministerial committee to examine the administrative and budgetary management of holy sites. The Supreme Court, which repeatedly rescheduled the initial hearing since 2004, set it for May 2007. At year's end there were 135 designated holy sites in the country, all of which were Jewish.

According to representatives of Christian institutions, visa issuance rates for some of their religious workers significantly declined from rates in previous years. Religious workers based in Jerusalem or the occupied territories were denied entry or re-entry under a general tightening of government criteria for foreign nationals (see section 2.d.). At year's end the Government's stricter entry policies were unclear.

The Knesset has not ratified the Fundamental Agreement establishing relations between the Holy See and Israel negotiated in 1993. Government negotiations with the Holy See addressed the continuation of tax exemptions for Roman Catholic institutions and property (churches, monasteries, convents, educational, and social welfare organizations) and the access of the institutions to Israeli courts. Under current law, property disputes involving religious institutions are handled by the executive branch of the Government. On November 27, the Government and the Holy See agreed to hold further negotiations of the Bilateral Permanent Working Commission. Further discussions were held on December 12.

Missionaries were allowed to proselytize, although offering or receiving material inducements for conversion, as well as converting persons under 18 years old 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 voluntarily refrained from proselytizing under a longstanding agreement with the Government.

In July 2005 the Messianic congregation in Arad published a letter in Iton HaTzvi that reported harassment by members of an ultra-Orthodox community. In September 2005 the High Court heard a petition by ultra-Orthodox Jews seeking the right to demonstrate at the house of a family of Messianic Jews and reversal of a police decision prohibiting such a demonstration. At year's end there was no further information on a court ruling. According to Messianic Jews resident there, since 2004 the Gur Hassidim have demonstrated regularly in front of the homes of Christians and Messianic Jews in Arad to protest alleged Christian proselytizing by this group. In interviews with Ha'aretz newspaper on November 14, the mayor and several officials of Arad objected to Messianic Jews in their city, but acknowledged having no legal basis to expel them.

In December 2005 approximately 200 ultra-Orthodox Jews disrupted the religious service of a Messianic congregation in Be'er Sheva, assaulting the congregation's pastor, damaging property, and harassing members of the congregation. In June a Be'er Sheva magistrate's court rejected an appeal by the congregation for a restraining order against ultra-Orthodox protesters. At year's end there were no further developments.

Societal Abuses and Discrimination.—According to a spring poll conducted by the Israel Democracy Institute, some 62 percent of Jewish citizens believed that the Government should encourage Arab citizens to emigrate.

During the campaign for the parliamentary elections in March, the Herut party used campaign posters depicting a traditionally veiled Arab woman in campaign posters captioned "This demographic will poison us."

On March 3, during a prayer service, three members of a mixed Jewish-Christian family from Jerusalem attacked the Basilica of the Annunciation in Nazareth. According to the police and witnesses, after barricading themselves inside, the attackers ignited firecrackers, 19 flammable canisters, and a number of bottles filled with flammable liquid. The attack resulted in a local riot, during which several police and protesters suffered minor injuries and police cars were burned. On September 13, two attackers were convicted of conspiracy to commit a crime, arson, rioting, and disorderly conduct.

In May vandals spray painted approximately 20 swastikas on the Ark, Torah scroll, and walls of the Great Synagogue in the city of Petah Tikva. Neo-Nazi graffiti

was also sprayed on monuments honoring, and actual gravesites of, several well-known historical figures, including the grave of the country's first Prime Minister, David Ben-Gurion. On December 1, vandals destroyed property and painted swastikas on an ultra-Orthodox Jewish school in Acre.

In May Israeli youths celebrating Lag Ba'Omer, a holiday traditionally marked by lighting bonfires, allegedly attempted to burn an abandoned mosque in the northern city of Acre. According to press reports, they also spray painted "Death to Arabs" on neighboring buildings. The individuals claimed they were simply preparing a bonfire, but police found indications of attempted arson. The case was closed at year's end with none of the individuals publicly identified.

On June 28, 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 the case was being prepared for indictment.

The national public bus service operated sex-segregated transportation in and between cities for ultra-Orthodox Jews. On November 24, 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.

There were also incidents throughout the year in which ultra-Orthodox Jews threw rocks at motorists to protest their driving on the Sabbath.

On November 23, according to a report from Adalah, the State Prosecutor's Office announced it would open a criminal investigation for racial incitement over an article in the Hassidic World magazine critically describing Muslims and Christians in insulting terms (see section 2.a.).

In August 2005 police arrested Shimon Ben Haim and Victoria Shteinman for desecrating a Muslim holy site by throwing a pig's head, wrapped in a Keffiyeh with "Mohammed" written on it, into the courtyard of a mosque near Tel Aviv. Ben Haim and Shteinman were subsequently convicted of insulting a religion. On December 6, Ben Haim was sentenced to nine months' imprisonment and Shteinman was sentenced to two months' community service.

For a more detailed discussion, see the 2006 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 discussion of restrictions on movement within the occupied territories, between the territories and Israel, and the construction of a security barrier.)

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.

Pursuant to the terms of his release after having served 18 years in prison on espionage and treason charges (see section 2. a.), Mordechai Vanunu continued to be prohibited from obtaining a passport, traveling outside the country, going within 500 meters of airports and overland border crossings, and entering any foreign diplomatic offices. On April 20, the Interior Minister extended these prohibitions for another year. At year's end Vanunu's criminal trial on charges that he violated these restrictions in 2005 continued.

In December 2005 the Interior Minister imposed a 12-month travel ban on Israeli journalist and literary critic, Antwan Shalhat. In January Adalah petitioned the High Court to revoke the ban, arguing it violated Shalhat's basic rights. In March on the recommendation of the court, which reviewed secret evidence in a meeting with government representatives, Adalah withdrew the petition but protested using secret evidence in the case.

In 2001 the Knesset forbade parliamentarians from visiting enemy states without permission from the Interior Minister. In February the Attorney General ordered police to investigate Israeli-Arab MKs Azmi Bishara and Taleb a-Sanaa for their separate trips to Syria and Lebanon at the end of 2005. In early September following the conflict with Lebanon, Bishara and fellow Israeli-Arab MKs, Wasal Taha and Jamak Zahalka, plus two former Israeli-Arab MKs, visited Syria and Lebanon again, prompting the Attorney General to order a new criminal investigation. The Interior Minister also called on the Foreign Minister to revoke their passports and asked the Attorney General for authority to restrict their international travel. At year's end police investigations continued, but there was no action to bar them from leaving the country.

The 2003 Citizenship and Entry into Israel Law bars Palestinians from the occupied territories from acquiring residence or citizenship rights through marriage to Israelis or to Palestinian residents of Jerusalem. In July 2005 the Knesset amended the law so that Palestinian men aged 35 and older and women aged 25 and older were eligible for temporary visitor permits to visit spouses and family in Israel. 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. Advocacy groups claimed that, despite the amendment, the law discriminated against Arab citizens and residents. In November 2005 during ongoing Supreme Court hearings on a petition by civil rights NGOs challenging this law, the Government informed the court that since 2001, 25 Palestinian spouses of Israeli Arabs had been involved in terrorist activity. In May the Supreme Court upheld the legality of the law, and in July the Knesset extended it for another six months (see sections 1.f. and 5).

During the year there were numerous credible reports of foreign nationals arbitrarily denied entry into the country or the occupied territories and subjected to harsh and abusive treatment. Most, but not all, were foreign nationals of Palestinian heritage, who sought to visit family or pursue business interests in the West Bank; previously such visits had occurred freely on "tourist" visas. During the year hundreds of foreign nationals attempting to renew visas were denied. Religious workers were also denied entry (see section 2.c.). By year's end the Government had not clarified its policies on West Bank entry for foreign nationals.

The law prohibits forced exile of citizens, and the Government generally respected this prohibition in practice.

Protection of Refugees.—The Government provides some refugees the protections available under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and had established a system whereby persons can apply for refugee status. According to the Refugee Rights Clinic at Tel Aviv University, the Government receives approximately 1,000 asylum applications annually. Palestinians were registered by the UN Relief and Works Agency for Palestine Refugees and, therefore, not eligible for refugee status.

According to UNHCR's local office, the Government received approximately 1,600 asylum applications during the year, of which 250 received temporary protection, with a total of 700 individuals in temporary protection at year's end. UNHCR reported that 100 asylum seekers left the country during the year after UNHCR declared their countries safe for return.

The Government cooperated with UNHCR and other humanitarian organizations in assisting Jewish refugees. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and its 1967 Protocol. The Government provided temporary humanitarian protection to persons from "conflict countries" in Africa.

During the year the Government continued to detain approximately 200 Sudanese asylum seekers under the 1954 Infiltration Prevention Law, which does not provide for judicial oversight (see section 1.d.). Of the detained Sudanese, 88 were previously recognized as refugees by the UNHCR in Cairo, and another 137 had been registered by the UNHCR in Cairo but not granted refugee status. According to the Tel Aviv University Refugee Clinic, a UNHCR representative visited the country in the spring and determined the threat posed by a return to Sudan qualified all 280 Sudanese in the country as refugees "sur place."

The UNHCR referred eligible refugee applicants to the National Status Granting Body (NSGB), and the Interior Ministry made final adjudication. The Tel Aviv University Refugee Rights Clinic charged that the NSGB's procedures were not transparent, that the NSBG did not publish data on its activities, and applicants were not permitted legal counsel during hearings. During the year the NSGB modified guidelines and provided detailed explanation for individual denials. According to the Refugee Rights Clinic, this new procedure aided rejected applicants in petitions for NSGB reconsideration.

The Government did not generally return those denied refugee status to their home countries against their will, and they reportedly could remain in detention facilities for months. For asylum seekers from states with which the country was at war, the Government attempted to find a third country to accept them. The Government provided asylum seekers with temporary work permits but not social or medical benefits. Children of asylum seekers could enroll in the public education system, according to the Refugee Rights Clinic. Persons granted refugee status received six month visas that can be extended until procedures are complete.

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 country is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Israeli Arabs, regularly win Knesset seats. On March 28, the Kadima Party, founded in 2005 by former Likud leader Ariel Sharon, won a plurality of Knesset seats, and Kadima leader Ehud Olmert formed a coalition government in which he became Prime Minister. In October the Government added a fifth party, Yisrael Beiteinu, to the governing coalition.

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.

The law requires that a party obtain 2 percent of the vote to win Knesset seats.

At year's end the 120-member Knesset had 17 female members, and its speaker was a woman. The 24-member cabinet included two women. The President and six members of the 15-member High Court were women. The Knesset included 11 Arabs and one Druze. Nine of the 11 Arabs represented parties supported largely or entirely by the Arab community. In 2004 for the first time since the establishment of the state, an Arab Christian was appointed as a permanent justice to the High Court. No Muslim or Druze citizens have served on the court.

Government Corruption and Transparency.—Investigations of numerous allegations of corruption and misconduct among senior political figures and government ministries occurred during the year.

In August President Moshe Katsav was placed under investigation for sexual harassment, illegal wiretapping, and fraud, after he complained to police about an alleged extortion attempt. During the investigation several women presented complaints against Katsav, spanning many years, while they worked on his staff. The investigation was ongoing at year's end (see section 5).

In October Tzachi Hanegbi, Chair of the Knesset's Foreign and Defense Committee, was put on trial for allegedly appointing political associates to positions in the public sector when he was Environment Minister in a previous government. Hanegbi's trial was ongoing at year's end.

Prime Minister Ehud Olmert was investigated during the year by the State Comptroller and Attorney-General for alleged irregularities in political appointments and bank and real estate actions in previous years. The investigations were ongoing at year's end.

Criminal investigations of other politicians, including Minister for Strategic Threats Avigdor Lieberman, MK Omri Sharon, and Opposition Leader Binyamin (Bibi) Netanyahu, continued throughout the year. On March 14, former Likud MK Naomi Blumenthal was sentenced to eight months in prison for bribery and obstructing legal proceedings during the 2002 Likud party primaries. On April 27, former Likud MK Yair Hazan was sentenced to four months community service and a two month suspended sentence for his role in a 2003 double voting incident.

The law affords the public access to government information, and citizens could petition for such access. According to ACRI the Government does not effectively implement its Freedom of Information Law. ACRI charged that many government bodies do not disclose their internal regulations, as the Freedom of Information Law requires, and that others failed to publish annual reports. During the year ACRI won a legal case to ensure public disclosure of documentation relating to the Government's first prison privatization tender.

Section 4. Governmental Attitude 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 generally cooperative and responsive to their views. A Foreign Affairs Ministry liaison unit develops and maintains relations with international and domestic NGOs.

NGOs must register with the Government by submitting an application and paying registration and annual fees. They operated under the laws covering nonprofit organizations. Some registered NGOs were eligible to receive state funding. According to Mossawa Israeli-Arab NGOs received only approximately 1 percent of the nearly $580 million (NIS 2.5 billion) spent annually by the Government on NGOs.

Mossawa alleged the Government discriminated when determining NGO eligibility for state funds.

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.

According to media reports, at year's end the Government held six Hizballah detainees from the July-August conflict in Lebanon, but had barred the ICRC from visiting them after allowing two initial visits.

(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. These laws sometimes were not enforced, either due to institutionalized discrimination or to lack of resources. In September 2005 then Interior Minister Ophir Pines-Paz termed the country's policy toward its Arab citizens "institutional discrimination" and called for affirmative action.

Women.—The Equality of Women Law provides for equal rights for women and protection from violence, sexual harassment, sexual exploitation, and trafficking; however, violence against women was a problem. The Government reported that between January 1 and November 30, some 18,280 cases of spousal violence were filed with the police. Approximately 78 percent of these were complaints by women against their husbands. The Government reported that in 2004 it convicted 1,297 persons of spousal abuse. The Social Affairs Ministry provided battered women with shelter care and operated a national hot line for battered women. The police operated a nationwide computerized call center to inform victims about their cases and employed a computerized database to link sex crime cases and to assist in identifying and locating offenders. A wide variety of women's organizations and hot lines provided services, such as counseling, telephone crisis intervention, legal assistance, and shelters for abused women.

In April two cases of husbands killing their wives and then committing suicide and the conviction of a man for murdering his wife by stabbing her repeatedly drew national attention to the problem of spousal abuse. The director of the Hotline for Battered Women reported spousal violence against women was a growing problem among new immigrants, especially those from Ethiopia and Russia.

Rape is illegal; nevertheless, NGOs considered the incidence of rape a concern. The number of rape and gang rape cases rose by 28 percent from 2004 to 2005, according to a report issued in March by an association of victim assistance NGOs. NGOs noted that a culture of blaming the victim contributed to underreporting rape.

In past years women's organizations reported instances of Arab women killed by male relatives in "honor" cases, although there was no accurate estimate of the number. In 2005 the Women Against Violence Organization reported that annually an average of 10 Israeli-Arab women were victims of family honor killings. According to Israeli-Arab women's rights group Kayan, there were seven or eight honor killings in the country during the year.

For example, on April 6, police arrested five Israeli-Arab brothers from the town of Lod for murdering their 19-year-old sister. Police suspected the oldest brother, a local pediatrician, of helping to plan the murder and providing anesthetics; the young woman's drugged and strangled body was found in late March in a well near the town of Rehovot. At year's end the five brothers were indicted and pending trial.

On May 23, the brother of a 26-year-old Israeli-Arab woman from the town of Ramle stabbed and killed her in a bank parking lot. The crime was witnessed by numerous passersby and recorded on a bank security camera. On June 6, police arrested the brother on murder charges; he reportedly confessed to police, claiming his sister had disgraced the family by raising her daughter in an "improper" way. At year's end, the case was pending trial.

On August 18, Justice Minister Chaim Ramon resigned after charges that he forcibly kissed a female soldier at a party. Ramon's trial was ongoing at year's end.

Prostitution is not illegal. The law prohibits operation of brothels and organized sex enterprises, but brothels operated 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. During the year 7,324 restraining orders were issued in cases involving allegations of family violence. In a March 2005 report to the UN Session of the Commission on the Status of Women, several women's NGOs stated that approximately 130,000 women in the country between the ages 25 and 40 had been sexually harassed in the workplace. During the period between January 1 and November 30, the police opened 215 cases involving sexual harassment and forwarded 40 cases for prosecution.

The law provides for class action suits and requires employers to provide equal pay for equal work; however, significant wage gaps remained. According to a report released in July by the College of Management, women earned 66 percent as much as men. The study, which only examined Jewish workers, also found that Orthodox and ultra-Orthodox women received salaries 10 to 20 percent lower than their secular counterparts.

Religious courts adjudicate personal status law, and these 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—literally "chained women"—may not remarry or have legitimate children because their husbands either disappeared or refused to grant divorces. Rabbinical tribunals may sanction husbands who refuse to divorce wives, but may not grant a divorce without his consent.

On November 3, the country's Chief Sephardi Rabbi cancelled without explanation an international conference on the agunot scheduled for the following week in Jerusalem. The conference had been organized in part by Jewish women's organizations, which expressed disgust and disappointment, calling the cancellation a "tragedy."

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 certain 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.

Children.—The law provides for the overall protection of children's rights and welfare, and the Government was generally committed to ensuring enforcement of these laws. The Government has continued to legislate against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting. In 2005 there were five shelters for children at risk of abuse.

According to the 2005 report issued by the National Council for the Child, the number of reported cases of child abuse and neglect totaled 39,000 for 2004 and had risen by 130 percent in the previous decade. The police reported to a Knesset committee in December 2005 that children constituted more than 50 percent of the victims of sexual offenses each year.

In May the written comments of a tribunal of Nazareth judges prompted controversy. After sentencing a man to 16 years in prison for raping his stepdaughter over a 10-year period, the judges wrote that since the plaintiff had not complained sooner, she might have "enjoyed and wanted" the sexual relations.

In June researchers at a Hebrew University conference reported that approximately one-sixth of Israeli-Arab children were in "danger and crisis." Researchers also found 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. A report released by the Van Leer Institute of Jerusalem reported that 54 percent of Israeli Arabs lived below the poverty line in 2005, compared to 18 percent of Israeli Jews. Among the Bedouin communities of the Negev, the poverty rate in legal villages was 66 percent, while in the unrecognized villages it was 79 percent.

Education is compulsory through the ninth grade. The Government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews. However, per capita government spending on and services for children was significantly less in Arab areas than in Jewish areas. According to a 2005 study at Hebrew University, three times as much money was invested in Jewish children as in Arab children.

Ultra-Orthodox political parties, such as United Torah Judaism, continued to oppose government interference in its school system. The only nonpublic schools receiving government funding were ultra-Orthodox Jewish schools.

Jewish children attended schools where the language of instruction was Hebrew and the curriculum included Jewish history. Israeli-Arab children, almost without exception, chose schools with instruction in Arabic in which the curriculum had a less Jewish focus. Israeli-Arab advocacy groups charged that the education of Arab children was inferior to that of Jewish children in the secular system. According to an Education Ministry report released in May, only 54 percent of 12th graders passed their matriculation exams in 2005, a drop of 2.4 percent from 2004. The decline was sharpest in the Arab sector, where the number of students passing the exams dropped by 6.6 percent; the decline for Jewish students was 1.3 percent. The NGO Sikkuy stated in its 2004–05 report that the high school dropout rate in Arab schools was twice as high as in Jewish schools. A separate, credible NGO report suggested that the Israeli-Arab dropout rate was three times that of the Jewish dropout level. In September 2005 the Education Ministry informed the Knesset Education Committee there was a shortage of 1,800 classrooms in the Arab sector.

According to the Central Bureau of Statistics (CBS), 43 percent of Jews between the ages of 25 and 34 had attended an institution of higher education, while only 15 percent of Arabs had done so. More than a quarter of all Arab citizens in the same age range left school before the ninth grade. While 90 percent of Jewish three- and four-year-old children attended preschool, only 56 percent of Arab three- and four-year olds did so, according to CBS figures. In June the Follow Up Committee for Arab Education for Toddlers said that there was a shortage of 2,250 preschools in the Arab sector. Preschool attendance for Bedouin children was the lowest in the country, and the dropout rate for Bedouin high school students was the highest. Arab Knesset members have criticized the lower academic achievements of Arab students and charged that it indicated discrimination in the system.

The minimum legal age of marriage is 17 for both boys and girls.

Trafficking in Persons.—During the year the Government gave the problem of trafficking higher priority. The trafficking law was amended to criminalize trafficking offenses not only for the purpose of sexual exploitation but also for slavery, forced labor, prostitution, pornography, and sexual abuse. Trafficking, for the purpose of labor as well as for prostitution, remained a serious problem, although the estimates of the extent of these problems varied greatly between the Government and some NGOs. The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by between four and 20 years' imprisonment.

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 country did not severely penalize labor agencies for trafficking because then current law did not criminalize trafficking for purposes other than prostitution. While law enforcement agencies have successfully prosecuted employers for labor law violations, including for violations that were tantamount to trafficking, the sentences applied did not meet minimum standards for sufficient penalties. There were numerous documented cases of foreign laborers living in harsh conditions, subjected to debt bondage, and restricted in their movements. The new amendments to the trafficking law went into force on October 29; no information on enforcement was available at year's end.

The NGO Hotline stated that it knew of only one case of a government investigation and prosecution of trafficking for purposes other than prostitution.

Organized crime groups trafficked women, primarily from Eastern Europe, sometimes luring them by offering service sector jobs. NGOs and the Government reported that traffickers generally transported victims across the Egyptian border. Some traffickers reportedly sold foreign-origin women to brothels. According to the police, the number of women trafficked into the country for the purpose of commercial sexual exploitation declined from a high of approximately 3,000 in 2003 to "a few hundred" during the year. The NGO Isha L'Isha reported providing direct assistance to 141 victims in detention centers or shelters during the year. Under a policy enacted in July, the Government placed women suspected of being victims of trafficking for prostitution in the Maggan shelter directly, without first holding them in detention centers.

During raids on brothels, police reported finding fewer foreign nationals than in previous years; they attributed this to heightened antitrafficking activity during 2005–06.

Between January 1 and October 1, the courts convicted or upheld the convictions of 12 persons for trafficking in women. Sentences ranged from one to 12 years, with the average sentence being 4.4 years. However, most sentences were suspended. Under the amended law, the maximum allowable prison sentence is 16 years, or 20 years if the offense is committed against a minor.

The Justice Ministry has a guideline 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.

The government-run shelter with a 50-person capacity for victims of trafficking for commercial sexual exploitation was often completely filled; NGOs claimed additional shelters were needed.

On May 31, the Government officially appointed an interministerial coordinator to combat trafficking in persons. Concurrently with its new antitrafficking legislation, the Government drafted an antitrafficking plan. On December 11, the coordinator met with the Ministry of Foreign Affairs and an institute for judges' training to arrange training classes.

The Government worked closely with officials in source countries, especially in Eastern Europe, to investigate and extradite individuals on charges of trafficking in persons.

In May 2005 Sergey Matotov reached a plea bargain resulting in 33 months' imprisonment and 18 months' suspended sentence. Matatov was not convicted of trafficking but of aiding a person to engage in prostitution. Shota Shamelashvili was sentenced to seven years imprisonment (suspended) and $590 (2,500 NIS) compensation to each complainant. The Government appealed the sentence's leniency, and Shamelashvili appealed its severity. The appeal was scheduled to be heard in February 2007.

Persons With Disabilities.—The Government provided a broad range of basic benefits for persons with disabilities. The law provides for protection and equality of the rights of persons with disabilities. Persons with disabilities continued, however, to encounter difficulties in areas such as employment and housing. According to the Government, the Commission for Equal Rights of People with Disabilities, within the Justice Ministry, took legal action in 98 discrimination cases during the year, mainly in the areas of accessibility and employment. Additionally, the commission intervened in 175 cases involving complaints by persons with disabilities. In March 2005 the Government enacted a law to require greater building and public area access for persons with disabilities. Other laws passed in 2005 required television stations to include subtitles and sign language for the hearing impaired and directed the courts to accommodate testimony from persons with intellectual disabilities or mental illness. During the year these laws were in the process of implementation. Accessibility to public transportation was not mandated by law.

National/Racial/Ethnic Minorities.—The 2003 report of the Orr Commission, which the Government established following the police killing of 12 Israeli-Arab demonstrators and a Palestinian in October 2000 (see sections 1.a. and 2.b.), stated that government handling of the Arab sector was "primarily neglectful and discriminatory," was not sufficiently sensitive to Arab needs, and that the Government did not allocate state resources equally.

In 2004 the Government adopted an interministerial committee's proposals to act on some of the Orr Commission's findings, including: establishment of a government body to promote the Arab sector; creation of a volunteer, national civilian service program for Arab youth; and the creation of a day of national tolerance. At year's end the Government implemented neither these proposals nor the original Orr Commission recommendations. On January 6, the Government directed a Deputy State Attorney to reexamine the 2005 decision by the PID to close its investigation into the 2000 killings (see sections 1.a. and 2.b.). At year's end there had been no further action.

The Knesset subcommittee, chaired by an Israeli-Arab member to monitor Israeli-Arab sector needs and advocate alterations in the budget to benefit that sector, was disbanded following the March elections.

Advocacy groups charged government officials with making racist statements. Yisrael Beitenu party chairman Avigdor Lieberman repeatedly called for removing citizenship of some Israeli Arabs and exchanging some Arab towns in the country for Jewish settlements in the occupied territories. In February Supreme Court Vice President Mishael Cheshin said during a hearing on the 2003 Citizenship Law that if Israelis wanted to marry Palestinians, they should move to the West Bank rather than seek permits for their spouses to join them.

Although Arabic is an official language of the country, the National Insurance Institute (NII) required documents submitted for claim be translated into Hebrew. On November 28, Adalah protested this policy in a letter to NII, noting that the Shari'a courts are also government courts and should have their Arabic rulings accepted by other government organizations.

In September MK Effie Eitam called for expulsion of most Palestinians from the West Bank and removal of Israeli Arabs, whom he called "traitors in the first degree," from the political system. According to the Israel Democracy Institute's annual Democracy Index, released on May 9, 62 percent of Jewish citizens believed the Government should encourage Arab citizens to emigrate.

Figures for 2005 showed approximately 93 percent of land in the country is public domain, the majority of which is owned by the state, with approximately 12.5 percent owned by the Jewish National Fund (JNF). All public lands and that owned by the JNF are administered by the Governmental body, the Israel Lands Administration (ILA). By law public land may only be leased, and the JNF's statutes prohibit land sale or lease to non-Jews. In January 2005 the Attorney General ruled the Government cannot discriminate against Israeli Arabs in marketing and allocation of lands it manages, including lands the ILA manages for the JNF. The Attor-

ney General also decided that the Government should compensate the JNF with land equal in size to any plots of JNF land won by non-Jewish citizens in government tenders.

Israeli-Arab advocacy organizations have challenged the Government's policy of demolishing illegal buildings in the Arab sector. They claimed that the Government restricted issuance of building permits for Arab communities, thereby limiting Arab natural growth. According to statistics published by the Arab Center for Alternative Planning, the Government issued tenders for the construction of 1,820 housing units in northern Israel, which has an Arab majority, during a five month period in 2004. Only 140 of these were designated for Arab communities, despite a shortage of housing in the Arab sector. In October 2005 the Government also launched a development program for all 104 communities in the north, both Jewish and Arab, to attract new residents and investment.

In February 2004 security forces demolished several homes in the Arab village of Beineh, claiming that they were built illegally. In April 2005 Adalah appealed to the Attorney General requesting that he reverse a decision not to indict police officers for alleged assault and property damage involved in the house demolition operation. Adalah claimed the police investigation was negligent and that it was unreasonable not to indict the police officers. At year's end the appeal remained pending.

The Orr Commission found that "suitable planning should be carried out [in the Arab sector] as soon as possible to prevent illegal construction." An interministerial committee, created to advise the Government on implementing the Orr Commission recommendations, called on the ILA to complete master plans for Arab towns. In 2004 the Supreme Court ruled that omitting Arab towns from specific government social and economic plans is discriminatory. At year's end according to the Government, master plans had been completed for 23 of the country's 128 Arab communities; another 81 communities were being planned. New construction is illegal in towns that do not have master plans or in the country's 37 unrecognized Bedouin villages.

On August 30, according to a Bedouin advocacy group, the Regional Council for Unrecognized Villages in the Negev (RCUV), security forces demolished all Bedouin homes in the unrecognized village of Twiel Abu-Jarwal. During September according to RCUV, security forces demolished several homes in the unrecognized villages of Um Nmaila, Um Mitnan, Um Ratam, and Al-For'a.

On February 27, the Supreme Court ruled that a 1998 government development policy illegally discriminated against Israeli Arabs. The policy designated certain areas to receive special funding for projects, including education; however, it included only four of more than 500 Arab communities. The court agreed with the petitioners, Adalah and the Arab Higher Follow Up Committee, that the policy was discriminatory and could not be continued without Knesset legislation. The court gave the Government a year to cancel the program.

During and after the July-August conflict involving Israel and Lebanon, Arab municipalities and advocacy groups complained that unlike Jewish communities, Arab communities in the north had no bomb shelters or warning sirens to protect from rocket attacks. In August according to media, the government-supervised Small Business Development Center created an expedited loan program to help businesses damaged by the conflict, but announced that only Jewish businesses were eligible. Under longstanding government policy, "front line" communities in the north were eligible to receive full compensation for economic losses from armed conflict. All northern communities except four Arab towns along the Lebanese border were so designated. During the conflict the Finance Minister listed five additional Jewish towns, but still omitted the four Arab towns. On September 13, Adalah petitioned the Supreme Court to include these towns, all of which were damaged during the conflict. At year's end the case was pending.

On September 26, the Finance Minister established a work team to develop a five-year plan to narrow the economic gap between Jewish and Arab communities. The minister also announced that one-quarter of the $930 million (NIS four billion) allocated for post-conflict rehabilitation would be for the Arab sector.

Israeli Arabs were underrepresented in most universities, professions, and businesses. In June a researcher from Haifa University and Sikkuy reported only 2.8 percent of the country's high technology workers were Arab. The Haifa University researcher also noted 70 percent of Arabs with college degrees in high technology fields failed to find work in the country between 2001 and 2005.

Well educated Israeli Arabs often were unable to find jobs commensurate with their qualifications. According to a Civil Service Commission report on Israeli-Arab representation in government, in 2004 only three of 809 Finance Ministry employees were Israeli Arabs, while the Foreign Ministry, with 933 employees, employed

seven. Approximately 56 percent of all Israeli-Arab government workers were employed by the Health Ministry, including government hospitals.

In 2003 the Government approved an affirmative action program to promote hiring Israeli Arabs in the civil service. However, according to current government figures, only 5.5 percent of civil service employees were from the Arab sector. On March 12, 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 November according to the Government, Arabs filled 54 out of approximately 550 board seats of 105 state-run companies. In April media reported that approximately 1 percent of employees in state-run companies were Arabs.

Israeli Arabs complained during the year of discriminatory treatment by airlines and airport security officials. On December 11, the Arab Association for Human Rights and the Center Against Racism published a joint report detailing degrading treatment of Arabs by security officials at airports and airlines. It alleged security officials regularly subjected Israeli-Arab travelers to humiliating, abusive inspections and interrogations. In June the newspaper Ha'aretz reported a policy of accepting only Jewish passengers for flights by Tamir airlines between Tel Aviv and the northern town of Kiryat Shmona. According to Ha'aretz the Transportation Ministry, acting on guidance from the ISA, barred Israeli Arabs from these flights as the northern airport lacked sufficient luggage screening equipment. Subsequently, in June the ministry installed a temporary screening device at Kiryat Shmona airport and resumed allowing Israeli-Arab travelers on Tamir flights.

The law exempts Israeli Arabs from mandatory military service, and in practice only a small percentage of Israeli Arabs so served. Citizens who did not perform military service enjoyed less access to social and economic benefits for which military service was either a prerequisite or an advantage. Israeli Arabs generally were restricted from working in companies with defense contracts or in security-related fields. In 2004 the Ivry Committee on National Service recommended Israeli Arabs be given an opportunity to perform national service. On December 13, the Government announced procedures to offer a civilian service program to citizens not drafted for military service. Beginning in June 2007, Israeli Arabs and ultra-Orthodox Jews would have the opportunity to serve for one to two years as volunteers in health, education, or welfare sectors. After completing service volunteers would be eligible for the same national benefits accorded military veterans.

The Israeli Druze community numbered approximately 100,000 and the Circassian community numbered some 3,000. Males were subject to the military draft, and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens not subject to the draft also served voluntarily.

The Bedouin sector of the population was the country's most disadvantaged. The Orr Commission report called for "special attention" to the living conditions of the Bedouin community. Approximately 140,000 Bedouin lived in the Negev, half in seven state-planned communities and eight recognized communities, and the rest in 37 unrecognized villages. Recognized Bedouin villages received basic services but remained among the poorest communities in the country. Unrecognized villages paid taxes to the Government but were not connected to the national water and electricity infrastructure and not eligible for government educational, health, and welfare services. On August 23, PHR reported that 80,000 Bedouin citizens lacked running water. On September 13, the Water Tribunal decided not to connect unrecognized Bedouin villages in the Negev to the national water system. On November 18, Adalah petitioned the Supreme Court to overturn the decision; the case was ongoing at year's end.

In 2004 the Supreme Court issued a temporary injunction to prevent the ILA from spraying herbicide on Bedouin crops on state-owned land. In February 2005 the ILA admitted to the court that it sprayed Bedouin agricultural fields with chemicals not approved by the Agriculture Ministry and banned from aerial spraying. As of November 1, according to Adalah the injunction remained in force, but the court had not ruled on the case.

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.

In July the Knesset extended for six months the 2003 law prohibiting citizens' Palestinian spouses from the occupied territories from residing in the country. The extension applied also to the 2005 amendment allowing Palestinian men aged 35 and older and women aged 25 and older to apply for temporary visit permits (see

section 2.d.). On May 14, the Supreme Court ruled the law legal and rejected all petitions challenging it.

There are approximately 20,000 non-Israelis living in the Golan Heights; they have been subject to Israeli military authority since 1967 and to Israeli civil law since Israel annexed this Syrian territory in 1981. They are primarily ethnic Druze; however, 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 the same social benefits as Israeli citizens. Israeli-Druze, like all citizens, were prohibited from visiting Syria, including making pilgrimages to Druze holy sites in Syria; noncitizen Druze (approximately 95 percent of the Druze population) were not so prohibited. During the year the Government allowed Druze pilgrims to stay in Syria for 72 hours rather than 24, as was the previous limit.

Other Societal Abuses and Discrimination.—In October and November, Jewish, Christian, and Muslim religious leaders protested plans for a gay pride march in Jerusalem on November 10. On November 5, the Attorney General refused a police recommendation to cancel the parade, and the Supreme Court subsequently rejected several petitions to cancel it. Members of Jerusalem's ultra-Orthodox community threatened to attack parade participants. On November 9, the organizers cancelled the parade and instead held a peaceful rally in a university stadium the following day (see section 2.b.).

During the June 2005 gay pride parade, an ultra-Orthodox Jew stabbed three participants. Police arrested Yishai Shlisel and charged him with three counts of attempted murder. On January 31, Shlisel was convicted and sentenced to 12 years in prison.

On November 21, the High Court required the Government to recognize same-sex marriages legally performed in foreign jurisdictions (see section 2.c.). In April 2005 the Government announced a policy of recognizing same-sex couples with children as a family for purposes of receiving housing aid.

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 in Israel) or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor), both of which are independent of the Government.

The law permits legal foreign workers and nonresident Palestinians to join Israeli trade unions and organize their own unions in Israel, according to the Government and Histadrut. 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, such as vacation, maternity leave, severance pay, and compensation for injuries, although not national health care. (Employers are legally required to provide insurance.) However, 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 antiunion discrimination. No antiunion discrimination was reported.

According to the Government and Histadrut, nonresident workers could organize unions and engage in collective bargaining. Foreign workers must pay an agency fee, and they can also pay union dues, entitling them to employment protection and some entitlements won by collective bargaining agreements. Collective bargaining agreements are extended to nonunionized workplaces in the same industrial 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 have traditionally been the central issues of disputes.

There are no Export Processing Zones. In 2004 the Government established a Qualified Industrial Zone (QIZ) with Egypt, creating duty-exempt zones for joint Israel-Egypt manufacturing for exports. The Government established a comparable QIZ with Jordan in 1998. Since the factories are located in Egypt and Jordan respectively, Egyptian and Jordanian labor laws apply.

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. Civil rights groups 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 6.e.).

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. Children who are 14 years old may be employed during official school holidays in light work that will not harm their health. Working hours for those between the ages of 16 and 18 are restricted to ensure time for rest and education.

There was no reliable data regarding the incidence of child labor, although NGOs suspected in 2005 that it occurred to a limited degree. In December Histadrut estimated the number of illegal child workers in the country at between 5,000 and 10,000. At year's end Histadrut reported that child labor occurred primarily in restaurants, markets, cleaning, and as apprentices in small factories. During the year Hotline reported no cases of children under the age of 15 working year-around in agriculture. Although in previous years, the Government, Histadrut, and NGOs received reports of illegal child labor in the undocumented Palestinian population, they did not report instances of Palestinian child labor during the year.

e. Acceptable Conditions of Work.—The minimum wage was approximately 45.6 percent of the average wage, approximately $835 (3,585 NIS) per month for a 40-hour week. The Government considered the minimum wage, often supplemented by special allowances for citizens, to provide a citizen worker and family with a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim. However, during the year Histadrut reported that a noncitizen worker, who was paid the minimum wage, even absent the special allowances for citizens, received a decent standard of living.

By law the maximum hours of work at regular pay are 42.5 hours per week.

Employers are required to obtain a government permit to hire Palestinian workers from the occupied territories. 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. However, according to Histadrut there were very few legal Palestinians working in the country on a regular basis during the year.

Palestinian employees whose local employers recruited them through the Ministry of Industry, Trade, and Labor received their wages and benefits through that ministry. Palestinian workers were not eligible for all National Insurance Institute (NII) benefits although the ministry deducted a union fee and required contributions to the NII. For example, they did not receive unemployment insurance, disability payments, or low-income supplements although their contributions covered such benefits. Histadrut reported that a legal mechanism established in 2005 for non-Palestinian migrant workers employed in the construction sector assures workers' rights and social benefits such as convalescence pay, severance pay, and annual leave). When a migrant construction worker leaves the country, he receives all his payment at a bank in Ben Gurion airport after presenting his passport. 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; workers paid by employers received the same benefits as workers paid through the ministry.

According to agreement between the Government and the Palestinian Authority (PA), employers paid an "equalization fee" to the Israeli Treasury, in the amount of the difference in cost between employing a (lower paid) foreign worker and an Israeli worker. The Government stated that these sums would be forwarded to the PA when it established a national insurance institute.

Government officials continued to withhold all of the PA payments pending its creation of a social security department to distribute the fees.

Since 2000 the Government's closure policy on the occupied territories prevented nearly all Palestinians from getting to employment in the country (see section 2.d. and annex). Closures have continued periodically for the past six years. During periods of nonclosure, Palestinians required Israeli-issued permits to enter the country. Permits may be issued for a single day or for periods of several months. Frequently during closures government authorities invalidated some or all existing valid permits, requiring even long-established travelers to secure new permits, often multiple times during the year. Accordingly, statistics on permit issuance and use do not reflect actual numbers of individual travelers allowed into the country. Many Palestinian laborers may have used the permits to make numerous entries; the Government did not provide data as to how many different individual Palestinian laborers received work permits.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints af-

fected overall enforcement. A November media report cited more than 2,000 complaints and reports had been filed at the Ministry of Industry, Trade, and Labor against employers that have violated labor laws, but there were only 18 inspectors to enforce labor laws that affected approximately 2.5 million workers.

Foreign workers could not legally remove themselves from dangerous work situations without jeopardy to continued employment. Additionally, illegal foreign workers risked immediate deportation. On March 30, in response to a petition filed by Hotline, Kav LaOved (an Israeli NGO for protecting worker rights), and other NGOs, the Supreme Court ruled the policy of employer-dependent status for foreign workers leads to abuse. The court ordered the Government to create a new legal mechanism for employing foreign workers; however, the Government had not complied by year's end.

All workers could challenge unsafe work practices through government oversight and legal agencies, although according to Hotline, employees in sectors other than construction were not provided information on how to contact the authorities. Hotline also reported that most agencies lacked interpreters. Between March 1 and September 1, the Enforcement Division of the Foreign Workers Department opened 2,087 investigations of employers for suspected violations and issued 1,567 fines for abuses of the rights of foreign workers. Prosecutors filed 35 criminal indictments against employers during the same period.

Brokers and employers are permitted to collect hiring fees from migrant workers. The Government limited such fees to about $710 (3,050 NIS) per worker, but NGOs charged that many foreign workers continued to pay more, up to $15,000 (63,000 NIS). In a significant number of cases according to NGOs, employers dismissed workers shortly after arriving. Between March 1 and September 1, the Ministry of Industry, Trade, and Labor investigated approximately 85 complaints against agencies licensed to recruit foreign workers and revoked 25 licenses. Dismissed foreign workers who were not deported often sought illegal employment.

Public debate continued regarding non-Palestinian foreign workers. According to the Government, between January 1 and October 1, the Ministry of Industry, Trade, and Labor issued 86,072 permits for foreigners to work in the country. CBS figures released in September showed that at the end of 2005 there were 178,000 legal migrant workers. During the year according to the Government, non-Palestinian foreign workers, both legal and illegal, constituted approximately 7 to 8 percent of the labor force. The Immigration Authority estimated that there were about 70,000 to 80,000 illegal foreign workers in the country. According to Hotline, most legal foreign workers came from the Philippines, Thailand, China, Turkey, and Romania, while most illegal foreign workers were from African countries. Many foreign workers came from India and Nepal, some legally, others not.

The law does not permit foreign workers to obtain citizenship or permanent residence status unless they are Jewish. In May responding to a Supreme Court order, the Interior Minister announced plans to broaden a provisional 2005 program under which the children of foreign workers would be eligible for citizenship under certain conditions. Under the revised program, a child of at least six years of age who had spent at least five years in the country and whose parents entered the country legally would be eligible for citizenship. In December 2005 responding to a petition filed by ACRI, the Supreme Court ordered the Government to lower the minimum naturalization age to six. The Supreme Court also ordered the Government not to deport parents of such children eligible for citizenship.

Workers may contest deportation orders in a special court, but often lacked fluency in Hebrew, placing them at a considerable disadvantage. According to Hotline, appropriate interpreters were not always present at the hearings, despite a 2002 commitment to provide them (see section 1.d.).

In 2004 in response to judicial criticism concerning protracted detention of foreign workers, the Attorney General ordered that they be brought before the court within four days of arrest. The Government generally honored the Attorney General's directive. Advocacy groups generally were allowed to assist workers facing deportation (see section 1.d.).

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 2006 the population of Gaza was approximately 1.4 million, of the West Bank (excluding East Jerusalem) approximately 2.4 million, and of East Jerusalem about 415,000, including approximately 177,000 Israelis. Approximately 250,000 Israelis resided in the West Bank. Various agreements transferred civil re-

sponsibility to the Palestinian Authority (PA) for Gaza and parts of the West Bank and divided the territories into three types of areas denoting different levels of PA and Israeli control. 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 both violence and Israeli-imposed internal and external access restrictions increased.

The PA has a democratically elected President and legislative council, which select and endorse a prime minister and cabinet. In January 2005 Palestine Liberation Organization (PLO) Chairman Mahmud Abbas won approximately 62 percent of the popular vote in a Presidential election regarded as generally free and fair. Palestinian Legislative Council (PLC) elections were held on January 25; international observers concluded the elections generally met democratic standards, despite some irregularities.

Israel exercised occupation authority through the Ministry of Defense's Office of Coordination and Liaison.

During the year 660 Palestinians were killed during Israeli military operations. On December 28, the Israeli nongovernmental organization (NGO) B'Tselem claimed that of the 660 Palestinians killed, at least 322 were not engaged in hostilities when killed and 141 were minors. A total of 23 Israelis, including six Israeli Defense Force (IDF) soldiers, and six foreigners were killed by Palestinians in terrorist attacks in both Israel and the occupied territories.

Since formation of the Hamas government in March, the Preventive Security Organization (PSO), Civil Police, and Civil Defense came under the authority of the Minister of Interior. The National Security Forces (NSF) and General Intelligence Services (GI) remained under the authority of President Abbas. President Abbas and his subordinates maintained control of security forces in the West Bank and over some forces in Gaza. The Hamas-controlled Interior Ministry created a new security branch, the "Executive Force," in Gaza, over which President Abbas had no authority. The Executive Force killed or injured several Palestinians affiliated with security forces loyal to President Abbas or the Fatah movement. Neither the President nor the Interior Ministry maintained effective control over security forces under their respective authorities, and there were reports that members of security forces committed numerous, serious abuses. The Israeli government maintained effective control of its security forces; however, there were reports that Israeli security forces used excessive force, abused, and tortured Palestinian detainees.

In September 2005 the Israeli Supreme Court reaffirmed its earlier decision that the separation barrier is permissible under both international law and Israeli law, however, the Israeli Supreme Court questioned whether the segment of the barrier at issue (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 there were reports of torture, arbitrary and prolonged detention, poor prison conditions, insufficient measures to prevent attacks by terrorist groups either within the occupied territories or within Israel, corruption and lack of transparency, domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor.

Regarding the Israeli occupying forces, there were reports of death and injuries to civilians in the conduct of military operations, numerous serious abuses of civilians and detainees, failure to take disciplinary action in cases of abuse, improper application of security internment procedures, temporary detention facilities that were austere and overcrowded, and limited cooperation with NGOs.

Regarding Palestinian terrorist organizations, there were several instances of terrorist attacks on Israeli civilians, resulting in deaths and injuries in the West Bank and Israel.

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 by Israeli settlers and Palestinian militant groups remained a serious problem.

According to Human Rights Watch (HRW), as of June 2005, the IDF reported 131 ongoing criminal investigations into the use of weapons that resulted in injury or death, resulting in 28 indictments and seven convictions, with the remaining cases still in process. In the same time frame, the IDF also reported that 611 investigations had been opened in response to complaints of physical abuse, such as beatings,

and complaints of property destruction. These investigations have led to 77 indictments. There was no further IDF reporting during the year.

According to B'Tselem Israeli security forces killed 22 Palestinians in targeted killings during the year and an undetermined number of bystanders. On December 14, the High Court ruled that targeted killings are not per se illegal; however, the legality of a particular case must be meticulously examined. Other Palestinians were killed by IDF at security check points or during military operations (see section 1.g.).

On February 13, IDF soldiers shot and killed Nafia Abu Musaid, a 25-year-old Palestinian shepherdess, near the Kissufim checkpoint in Gaza. On March 29, the IDF Military Advocate General began an investigation into her death; at year's end there were no results.

On August 9, an IDF helicopter attacked and killed two Palestinian men (20 and 27 years old) in the Jenin Refugee Camp. The men were sought by Israeli security forces and found hiding in a home with other wanted men.

On November 8, IDF artillery shelled the Gazan town of Beit Hanoun, killing 19 Palestinians and injuring others. Israeli authorities announced an investigation, stating that the shells missed the intended target. In a November letter to the Judge Advocate General, B'Tselem claimed that the action should be investigated as a possible war crime; however, at year's end no investigation results had been released.

In August 2005 Asher Weisgan, from the settlement of Shvut Rachel, shot and killed four Palestinian workers and wounded two others. On September 28, the Jerusalem District Court convicted him of murder and sentenced him to four consecutive life sentences plus an additional 12 years in prison.

In July 2005 an Israeli security guard at the separation barrier shot and killed a 15-year-old boy. According to Palestinian witnesses, he was working in his family's fields in the West Bank. Israeli authorities placed the guard under house arrest pending police investigation. At year's end there were no results from the investigation.

There were no developments in the September 2005 case of IDF soldiers who shot and killed an unarmed 13-year-old Palestinian boy during a predawn raid on the Askar refugee camp, near Nablus. An initial IDF inquiry concluded the soldiers violated rules of engagement. At year's end the findings of a military police investigation had been forwarded to the Military Attorney General.

In November 2005 an Israeli border police officer killed Samir Ribhi Da'ari, a Palestinian from East Jerusalem. Israeli authorities initially claimed Da'ari attempted to drive his vehicle over the officer. An autopsy revealed Da'ari was shot in the back; at year's end court action against the police officer was scheduled for closing arguments on January 2, 2007.

On March 29, an Israeli motorist picked up a hitchhiker who detonated a bomb concealed in a suitcase at the entrance of the Kedumim settlement south of Nablus killing the four Israelis in the car. The Al-Aqsa Martyrs' Brigades claimed responsibility.

On March 31, Abu Yusif, Popular Resistance Committees (PRC) military leader, was killed by a bomb as he walked past a parked car. The PA created a committee to investigate the killing although it was believed to be the result of factional rivalry. At year's end the investigation had not concluded.

On June 25, Eliyahu Asheri, an 18-year-old Israeli resident of the Itamar West Bank settlement, was kidnapped and subsequently killed; the Palestinian PRC admitted responsibility.

On September 15, unknown assailants shot and killed Brigadier General Jad al-Tayeh of the Palestinian GI and his four bodyguards in Gaza. On October 10, media published the names of five Palestinian suspects. The PA Interior Ministry confirmed the names, but stated that the suspects had not yet been indicted, and at year's end no one had been arrested.

In early October Palestinians clashed in Gaza and West Bank cities over unpaid public sector wages. Public buildings were damaged, 12 persons were reportedly killed, and over 130 injured.

On October 14, members of the Hamas-led Ministry of Interior's Executive Force (EF) shot and killed Ali Shikshik, a GI officer, while traveling in his car in Gaza City.

On December 11, unknown assailants fired on a car carrying the school children of the senior intelligence officer in the PA; three boys and their driver were killed, and a number of bystanders injured. At year's end the attackers had not been individually identified or arrested.

There were no developments in the February 2005 case of Palestinian gunmen that attacked the Gaza Central Prison and killed three prisoners. The gunmen took

one individual from the prison to the al-Burayj refugee camp and killed him publicly. At year's end there had been no arrests.

In October 2005 Israeli security forces arrested Abed Al-Muaz Div Joaba, a Palestinian from Hebron, who confessed to stabbing two yeshiva students and killing one in August 2005. He was indicted by the Jerusalem Magistrate's Court later that month. On July 10, Joaba was sentenced to life imprisonment for murder and an additional 20-year imprisonment for attempted murder.

There were no developments in the September 2005 killing of Musa Arafat, former PA Gaza National Security Forces chief. At year's end the PA had issued but not served an arrest warrant for one PRC member.

There were no developments in the December 2005 case of a Palestinian on trial for stabbing and killing an Israeli soldier at the Qalandiya checkpoint north of Jerusalem.

In 2004 an Israeli settler, Boaz Albert, killed Salman Yussuf Safadi; Albert claimed self defense. On January 31, the case was dismissed for lack of evidence; however, on June 22, Albert was prohibited from living in the West Bank. After violating this order, Israel detained him administratively in Ramla at year's end.

In 2004 an Israeli settler, Yehoshua Elitzur, shot and killed Sa'al Jabara near Nablus. Witnesses stated Elitzur shot Jabara at close range after he slowed his car to ask whether Elitzur needed assistance. In June 2005 an Israeli court convicted Elitzur of manslaughter. Subsequently, Elitzur fled and therefore had not been sentenced at year's end.

In 2004 unidentified assailants threw grenades into a room holding suspected Palestinian "collaborators" (providing potential information to Israel), killing two prisoners. Palestinian security officials arrested two policemen, who allegedly carried out the attack on behalf of Hamas. At year's end the officers had been released and no legal action taken.

Three U.S. security personnel in a diplomatic convoy were killed in an attack in Gaza in October 2003. At year's end there was no progress by the PA, and the case remained unsolved. During the year the U.S. government continued to press the PA to resolve the case.

b. Disappearance.—There were several reports of politically motivated disappearances during the year (see section 1.g.).

On February 9, in Gaza City two masked gunmen fired at a diplomatic vehicle and kidnapped Egypt's military attache to the PA. He was released on February 11. A previously unknown Palestinian militant group "the al-Ahrar Brigades" claimed responsibility.

On March 14, unknown militants kidnapped over a dozen international workers in Gaza to protest an Israeli arrest operation at Jericho prison. They were released several hours later. On the same day, unidentified gunmen kidnapped a Western citizen in Jenin and held him hostage for several hours.

On June 19, a Western student was kidnapped in Nablus and released to the IDF on June 20. He told police that he was forced to videotape an appeal to release Palestinian prisoners.

On June 25, PRC and HAMAS militants tunneled from Gaza to Israel and attacked an IDF outpost. They killed two soldiers and abducted a third, Gilad Shalit. By year's end Shalit had not been released.

On December 28, the NGO Reporters Without Borders issued a report that 10 foreign journalists had been kidnapped in the occupied territories since August 2005. It also noted that during the year six foreign journalists were kidnapped in Gaza. For example, on August 14, in Gaza City armed Palestinians kidnapped two FOX News journalists (see section 2.a.). After PA official intervention, the kidnappers released their victims, but the kidnappers were not apprehended. On October 24, an unidentified armed group kidnapped an Associated Press photojournalist but released him on the same day.

The PA neither prevented nor adequately investigated kidnappings of Palestinians or foreign nationals in the West Bank and Gaza.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups stated that torture was a significant problem, and its use was not restricted to persons detained on security charges.

Torture by PA security forces reportedly was widespread. Documentation of abuses by PA security forces was very limited, due partly to hesitancy by alleged victims to make public claims of torture or abuse against PA authorities. Palestinian security officers have no formal guidelines regarding legal interrogation conduct; most convictions were based largely on confessions.

Israeli law, as interpreted by an Israeli 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.

During the year the Israeli NGO the Public Committee Against Torture in Israel (PCATI) noted it submitted more than 40 cases of torture to the Attorney General (AG); however, in every case the AG responded that these persons had information deemed vital for state security and no further action would be taken. Specifically, PCATI noted the case of Rafah resident Mustafa Abu Ma'amar who was arrested in June and reportedly extensively abused by Israeli security officials. Israeli human rights organizations reported that during the year Israeli security forces 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, instead of subjecting them to direct physical abuse. Israeli law prohibits forced confessions, but most security case convictions were based on confessions made before defendants had legal representation.

A detainee by Israel may not have legal representation until after interrogation, a process that may last weeks. The International Committee of the Red Cross (ICRC) is notified of arrests 12 days after they occur, and the ICRC is allowed to visit detainees 14 days after arrest. Detainees sometimes stated in court that their confessions were coerced, but there were no instances in which judges excluded such confessions.

During the year there were a number of claims of abuse by IDF soldiers. For example, on February 9, according to Palestinian statements given to B'Tselem, two IDF soldiers at the al-Fawwar checkpoint in the southern Hebron area blindfolded, beat, and threatened two Palestinian men. B'Tselem requested an IDF investigation; however, at year's end the IDF had not replied.

In July and August, B'Tselem gathered testimony from Palestinians who detailed beatings and other abuse by IDF soldiers in the West Bank area of the Ramin Plain. B'Tselem petitioned the Judge Advocate General, and on September 13, the IDF Central Command informed B'Tselem the military police would investigate eight of the incidents. At year's end there was no further information.

On August 11, an Israeli Border Police soldier fired a rubber bullet at the head of Lymor Goldstein, an Israeli demonstrator protesting construction of the separation barrier in the West Bank village of Bil'in, injuring him and requiring surgery to remove the bullet. No action was taken against the police.

There were no developments in the September 2005 case in which IDF soldiers forced residents of a home in Tulkarm to undress in the street or the November 2005 report that IDF soldiers assaulted Palestinian students in Hebron.

There were numerous credible reports of violence by settlers against Palestinians, particularly by residents of the Ma'on settlement in the southern Hebron Hills. On May 9, more than 30 Israeli artists and intellectuals sent a letter to the Israeli prime minister urging IDF protection for Palestinian children in the area. According to Ha'aretz, on May 10, the defense minister reportedly instructed IDF and police to increase the security for these Palestinian children on their way to and from school. However, settler harassment of the children continued without police response. On May 31, the Ma'on farm settlers reportedly were ordered to evacuate due to their attacks on schoolchildren; however, at year's end the Ma'on settlement remained.

On April 1, four settlers reportedly attacked and severely beat 72-year-old Palestinian Saber Shtiyeh as he was working in his field near the West Bank village of Salem, near Nablus. On April 7, representatives from Rabbis for Human Rights and the Kibbutz Movement requested IDF protection for the Palestinian farmers; however, the request reportedly was refused.

A June report by the Israeli human rights organization Yesh Din stated there was a "general phenomenon of absence of adequate law enforcement by the authorities upon settlers who commit offenses against Palestinians." For example, on November 19, settlers attacked a group of escorts for Palestinian school children in Hebron, seriously injuring a Western woman. At year's end, none of the attackers was charged (see section 2.d.).

Prison and Detention Center Conditions.—PA prison conditions were poor; most were destroyed during the Intifada and have not been reconstructed; prisoners were kept informally incarcerated and subject to intrusions by outsiders. The PA generally permitted the ICRC access to detainees and allowed regular inspections of prison conditions; however, the PA denied access to some detainees for 14 days following their arrests. The PA permitted monitoring of its prisons, 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, and they rarely could see inmates being interrogated.

Conditions of Israeli permanent prison facilities generally met international standards. Provisional detention centers were less likely to meet standards. According to the 2004 Israel Public Defender's Office report on detention facilities of the Prison Service and Police, detainees in the Jerusalem Russian Compound facility endured overcrowded cells and suffocating conditions. Detention and interrogation facilities for Palestinian detainees, including the four interrogation centers (Shikma, Kishon, Petah Tikva, and the Jerusalem Internment Center), were austere, overcrowded, and provisional. According to the Mandela Institute, in December Israel held 93 Palestinian prisoners in some form of solitary confinement. Israel permitted monitoring of prison conditions by the ICRC and other groups, although human rights groups reported delays and difficulties in gaining access to specific detainees. Human rights groups reported frequent, unnotified transfers of detainees and significantly limited ability by families of Palestinians imprisoned in Israel to visit.

According to the Israeli Prison Service, its regulations require separation of minors and adults; however, at year's end at least one person, age 16, was kept with adults in Ofer Prison.

In November the NGO Palestinian Prisoners Club reported that there were approximately 1,259 medical cases in Israeli prisons. Since 2004 Israeli authorities increased medical attention and authorized several private doctors to visit prisoners; however, prisoners continued to claim that medical attention was inadequate.

There was no official response to the July 2005 PCATI demand for an investigation of the death in detention of Jawab Abu Maghasib.

d. Arbitrary Arrest or Detention.—Palestinian law prohibits arbitrary arrest and detention; however, it allows police to hold detainees without charges for 24 hours. Courts may approve detention without charges for up to 45 days. A trial must start within six months of arrest or the detainee must be released. In practice the PA detained many Palestinians without charge for months.

Role of the Police and Security Apparatus.—Israeli security forces in the West Bank and Gaza consisted of the IDF, the Israel Security Agency (Shin Bet), the Israeli National Police (INP), and the Border Police, an operational arm of the INP that is under IDF command when operating in the occupied territories. Israeli military courts tried Palestinians accused of security offenses.

Operational control over Palestinian security forces was divided between President Abbas and the Hamas-controlled Interior Ministry. Palestinian police were normally responsible for security and law enforcement for Palestinians and other non Israelis in PA-controlled areas of the West Bank and Gaza. Palestinian security forces included the National Security Forces (NSF), the Preventive Security Organization (PSO), the General Intelligence Service (GI, or Mukhabarat), the Presidential Guard (PG), and the Coastal Police. Other quasi-military security organizations, such as the Military Intelligence Organization, exercised the equivalent of law enforcement powers. The 2005 General Intelligence Law placed the Mukhabarat under President Abbas's authority.

The PSO, the civil police, and the civil defense fall under the legal control of the Interior Minister. Subordinates of President Abbas retained operational control over all security branches in the West Bank and some forces in Gaza. Armed militias played a major role in both local security and abuses of human rights. For example, Hamas Executive Force members attacked PA government installations in Gaza on several occasions and killed opponents in the Fatah movement or Palestinian security forces.

PA security forces detained persons without informing judicial authorities and often ignored laws protecting detainee rights and court decisions calling for release of alleged security criminals. At year's end Palestinian sources estimated the PA imprisoned approximately 263 suspected of collaboration with Israel. Alleged collaborators often were held without evidence and denied access to lawyers, their families, or doctors.

Arrest and Detention.—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 Israeli security forces to detain persons for 10 days, during which period they cannot see a lawyer or appear before court. Administrative security detention orders could be issued for up to six-month periods and renewed indefinitely by judges. The law expressly authorizes an appeal of the circumstances of each security detention order to the Israeli Supreme Court. No detainee has ever successfully appealed a detention order under this process.

Israeli Military Order 1369 provides for a seven 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 they attempted to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days.

Additionally, a military commander may request a judge to extend this period in security cases indefinitely. On June 26, the Knesset passed a law permitting detention and arraignment of a security suspect to be held without the individual present and that a person can be interrogated without judicial oversight for 96 hours. The Israeli military orders required notification of family members of specific cases of detention; however, many families reported serious problems in learning of the status and whereabouts of prisoners. 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.

Palestinians claimed that security detainees held under Israeli security detention military orders were in fact political prisoners. At year's end the Mandela Institute estimated Israel held 10,633 Palestinian security prisoners. B'Tselem's end of year report said there were 9,075 Palestinians in custody as of November, 738 of whom were in administrative detention. One illustrative case reportedly was Ziyad Hmeidan, an employee of Al-Haq, a Palestinian NGO, arrested in May 2005 and subsequently detained without charge. His petition for release in September was rejected by the High Court; at year's end Al-Haq planned further petitions in Hmeidan's behalf. Also, Hassan Zaga, field worker for PCATI, was released on November 15 after his January 11 arrest and detention without charge.

During the year Israel conducted some mass arrests in the West Bank; however, most arrests targeted specific persons. On June 29, the IDF arrested approximately 90 Hamas members in the West Bank, including eight PA cabinet ministers and more than 29 PLC members. At year's end four ministers and 32 PLC Hamas members remained in jail in Israel.

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. Lawyers said they had better access to clients than in previous years. Israeli authorities in some instances scheduled appointments but then moved the prisoners to other prisons to delay lawyer client meetings for as long as 90 days.

The Israeli government frequently failed to notify foreign consular officials in a timely manner after detaining their citizens.

During the year Israel transferred two Palestinian from the West Bank to Gaza. On June 21, the IDF deported Hamas activist Rasmi Sbeih to Gaza after having held him for two years as an administrative detainee. On December 26, the IDF deported Abdullah Saadi, a Fatah activist from Jenin, to the Gaza strip after releasing him following six months of administrative detention. At year's end approximately 40 other persons awaited permission to return to the West Bank from Gaza. These are previous West Bank residents deported to Gaza and not permitted 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 June 2005 PA President Abbas ordered retrials for those sentenced to death by the state security courts; no retrials were held during the year, but the security courts were abolished. Military courts, established in 1995, have jurisdiction over police and security force personnel as well as crimes by civilians against security forces. In November 2005 President Abbas established a court for election issues composed of nine judges. Following the January elections, it examined petitions; however, it took no action that changed election results.

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 to check points and other travel restrictions, resulted in one estimate of a 70,000 misdemeanor and felony case backload in Gaza and the West Bank. Although these problems predated PA jurisdiction, they were aggravated by continued lack of PA attention. PA executive and security services frequently failed to implement court decisions and otherwise inhibited judicial independence.

Continued violence adversely affected PA administration of justice. Many police stations and incarceration facilities were damaged or destroyed, including the Jericho Prison on March 14 following an Israeli raid. Travel restrictions, curfews, and closures significantly impeded administration of justice.

Israeli law provides for an independent judiciary, and the Government generally respected this in practice. The IDF usually tried Palestinians accused of security of-

fenses in the occupied territories in military courts in the West Bank. The law comprehensively defined security offenses and may include charges as varied as rock throwing or membership in terrorist organizations. Military prosecutors brought charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal.

Trial Procedures.—Trials of Palestinians before Israeli military tribunals follow the same evidentiary rules as in regular criminal cases. The accused is entitled to counsel, and a judge may assign counsel. Charges are made available to the defendant and the public in Hebrew, but the court may order an Arabic translation. The court may hear evidence in security cases denied to the defendant or his attorney; however, a conviction may not be based solely on such evidence. Convictions may not be based solely on the defendant's confession, although in practice some security prisoners were convicted on the basis of allegedly coerced confessions by themselves and others. Defendants can appeal through the Military High Court or to the civilian high court in certain instances.

The Israeli government sometimes delayed trials for very extended periods, occasionally for years, because Israeli security force witnesses did not appear, the defendant was not brought to court, files were lost, or travel restrictions delayed attorneys (see section 2.d.). Palestinian legal advocates alleged that delays were designed to pressure defendants to settle their cases.

Crowded facilities, poor arrangements for scheduling and holding attorney client consultations, and confessions prepared in Hebrew hindered defense efforts.

Israeli settlers were tried under Israeli law in the nearest Israeli district court. Civilian judges presided; Israeli law (not military orders) governed the standards of due process and admissibility of evidence. The Israeli government rarely prosecuted settlers for crimes against Palestinians and, in the rare instances when convicted, they regularly received lighter punishment than Palestinians convicted in Israeli courts (see section 1.a.). According to B'Tselem during 2005 the Israeli police claimed that it had conducted 299 investigations into reported settler attacks on Palestinians; indictments were filed in 65 of these investigations. According to a June study by Yesh Din, for investigations relating to offenses committed by Israeli civilians against Palestinians in 2005–06, more than 90 percent of complaints and investigations were closed without indictments. Of the files on trespassing (including all the cases of damaging or destroying trees) in which the investigation was completed, 96 percent were closed without indictments as were 100 percent of the property offenses and 79 percent of assault files. Yesh Din determined that approximately 5 percent of the complaints filed were lost and apparently never investigated.

In 2004 a Tel Aviv District Court convicted West Bank Fatah leader and PLC member, Marwan Barghuti, of murder and attempted murder involving terror attacks. Barghuti rejected the court's jurisdiction, did not mount a legal defense, and did not appeal his five consecutive life sentences. There was no further legal action during the year.

Pursuant to law the PA can impose the death penalty on a person convicted of any of 42 offenses. Military courts and state security courts have imposed most death sentences attributed to the PA. There is no judicial procedure to appeal these sentences, and only the PA President has the authority to ratify or alter the sentence. If he does not act, the individual remains in jail; the President took no action during the year.

In June 2005 the PA executed four men; the state security courts, established by the Presidential decree in 1995 but terminated by the PA Justice Ministry in 2003, convicted one of the four. There have been no subsequent executions.

Political Prisoners and Detainees.—Palestinian sources estimated the PA imprisoned approximately 263 persons suspected of collaboration with Israel. Palestinians claimed that security detainees held under Israeli security detention military orders were in fact political prisoners (see section 1.d.).

Civil Judicial Procedures and Remedies.—Civil lawsuits are handled by the PA civil and magistrate courts. Any citizen can file a petition or a lawsuit against the Government and, in some cases, the President personally. However, because of general problems in the judicial system, the execution of court orders was not systematic.

Palestinians were not permitted to file cases in the Israeli court system; however, Israeli NGOs have done so for them.

Property Restitution.—The Palestinian Authority sometimes enforced court orders with respect to restitution or compensation for taking private property under domestic law. Individuals reported that their property was taken by government officials

without compensation. At year's end some cases were being tried in the PA judiciary.

The Israeli government confiscated Palestinian property for construction of the separation barrier or military installations; it offered some compensation to landowners, however, Palestinians largely declined to accept compensation out of concern that this would legitimize the Israeli land confiscations. Specific cases document the exceptional difficulty Palestinians have in attempting to prove their land ownership to the standards demanded in Israeli courts.

In an October study, the Israeli NGO Peace Now concluded that 38.7 percent of the land occupied by Israeli settlements, outposts, and settler industrial zones in the West Bank, comprising 15,271 acres, is privately owned Palestinian property. The study, reportedly based on official government data, contended that West Bank settlements violated Israeli law and juridical decisions. The Israeli Yesha settlement council condemned the report on technical and substantive grounds.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases police forcibly entered premises.

Under occupation orders an IDF officer of the rank of lieutenant colonel or above could authorize entry of private homes and institutions without a warrant, based upon military necessity. On some occasions IDF personnel beat occupants and destroyed or looted property. Israeli authorities stated these were punishable violations of military regulations with compensation due.

There was no change in Israeli policy regarding punitive home demolitions. Since February 2005 there have been no punitive home demolitions. Previously, Israel demolished and sealed homes of Palestinians suspected of terrorism or their relatives. Under this policy according to B'Tselem, 666 homes were demolished between October 2001 and January 2005 as punishment.

Following the withdrawal from Gaza in August 2005, Israel directed air strikes against homes in Gaza suspected of concealing tunnels or weapons. According to human rights groups and media, the Israeli government notified residents and warned them to evacuate prior to impending air attack. Israeli forces reoccupied portions of northern Gaza between June 28 and November 25. On September 6, the UN Development Program estimated damage to the Gaza infrastructure between June 28 and August 27 to be approximately $46 million (197 million NIS).

Israeli authorities limited Palestinian home construction, notably in East Jerusalem. Israeli authorities generally restricted Palestinian home building elsewhere in the West Bank and near Israeli settlements. According to the Israeli Committee Against House Demolitions, approximately 12,000 structures in East Jerusalem were defined by the Israeli government as illegal. Consequently, during the year Jerusalem municipal authorities and the Interior Ministry systematically demolished such structures including 81 buildings (63 residential) in East Jerusalem.

During the year the IDF destroyed numerous citrus, olive, and date groves and irrigation systems in Gaza, stating that Palestinians had been firing Qassam rockets from those areas. Human rights groups reported that over the past five years, Israeli settlers and the IDF destroyed thousands of Palestinian olive trees.

According to media reports, Israeli human rights groups praised a September announcement by Minister of Defense Amir Peretz promising action against anyone interfering or harassing farmers during harvesting. The announcement followed a two-year legal effort by the Association for Civil Rights in Israel (ACRI) and Rabbis for Human Rights. Still, Palestinians complained that the IDF measures gave insufficient time to complete the harvest and that they were limited in their ability to protect their property by curfews and travel restrictions. According to Yesh Din, settlers committed 18 major instances of olive theft and violent disruptions of the harvest during the year.

The IDF also cleared and took permanent control of privately owned Palestinian land to construct the separation barrier. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the separation barrier route has been extended from 670 kilometers (416 miles) to 703 kilometers (437 miles) upon completion. OCHA noted as of July the Israeli authorities, through military orders, had confiscated approximately 8,887 acres of West Bank land to construct the separation barrier. According to Israel it sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Palestinians largely declined to seek compensation out of concern that this would legitimize the Israeli land confiscations. Additionally, numerous cases were filed in Israeli courts challenging the route of the fence.

On December 13, the High Court rejected the petition filed by ACRI and the human rights organization Bimkom against the section of the separation barrier that severs the Palestinian community a-Ram from East Jerusalem. On November 26, the High Court approved a barrier route around five Palestinian villages northwest of Jerusalem, creating an enclave that will separate them from East Jerusalem and neighboring Palestinian villages. The five villages in the enclave have a total population of more than 15,000 persons.

g. Use of Excessive Force and Other Abuses in Internal and External Conflicts.—Palestinian members of Hamas, Fatah-affiliated militant groups, and Palestinian Islamic Jihad attacked and killed Israeli civilians, foreign nationals, and soldiers, both in Israel and in the occupied territories. They inflicted casualties on noncombatants by suicide bombs, rockets, and mortars. In addition they often fired at Israeli security forces from civilian population areas, increasing the risk that Israeli return fire would harm noncombatants. PA President Abbas made repeated public statements calling for an end to violence, but these steps did not prevent numerous attacks.

During the year Palestinian militants repeatedly fired rockets from northern Gaza into Israel, killing two and wounding a number of persons, and destroying property. For example, on November 15, a Qassam rocket killed an Israeli woman in Sderot and wounded two other Israeli civilians. Palestinian militants claimed responsibility for the attack.

According to the PA Health Ministry, the Palestine Red Crescent Society (PRCS), and Palestinian and Israeli human rights groups, at least 660 Palestinians were killed in the West Bank, Gaza, and Israel during Israeli military and police operations through year's end. The IDF stated that the majority of Palestinians killed were armed fighters or persons engaged in planning or carrying out violence against Israeli civilian and military targets. On December 28, B'Tselem contended that "at least 322 of those killed did not take part in the hostilities at the time they were killed." According to the PRCS, IDF operations and clashes with Palestinians resulted in injuries to approximately 1,805 Palestinians.

During the year according to B'Tselem, 22 Palestinians directly died in targeted killings. According to Palestinian security and media reports, IDF forces killed at least 60 bystanders in these operations. Some were civilians; others were affiliated with terrorist organizations.

According to a June 2005 HRW report, Israeli military investigative practices were not "impartial, thorough, or timely." The report charged the IDF had criminally investigated less than 5 percent of civilian deaths between September 2000 and November 2004, fostering a climate of impunity within the IDF. In response in 2005, IDF stated it conducted 130 investigations and issued 28 indictments, with seven convictions and one acquittal; the remaining 20 court cases were ongoing. The other incidents were still under investigation.

The IDF conducted numerous military incursions into Palestinian population centers in response to Palestinian mortar and antitank fire from the centers. These actions often resulted in civilian casualties. Israeli forces 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 upon Israeli forces and booby-trapped homes and apartment buildings. In response throughout the year, the IDF usually raided and often destroyed these buildings and raided other locations allegedly harboring militants. In February the IDF launched a large-scale military operation into the city of Nablus and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)-run Balata refugee camp; five Palestinians were killed and more than 24 injured. During this operation the IDF and Border Police entered an UNRWA-run girls' school in Balata Camp and used it for three days as a detention center and firing position, causing extensive damage. UNRWA staff sought compensation and assurances of nonrepetition of similar conduct from the Israeli government; however, the Government had not responded as of year's end.

From June 28 until August 21, the IDF undertook operation "Summer Rains" in Gaza, following the PRC kidnapping of an Israeli soldier, Gilad Shalit, on June 25. Summer Rains involved numerous Israeli air and ground attacks and incursions throughout Gaza. The attacks killed over 200 Palestinians, including civilians; four IDF soldiers also were killed. Subsequently, operation "Autumn Clouds" between November 1 and 7, according to PA medical sources, killed at least 56 Palestinians and injured approximately 220. On November 26, a ceasefire was agreed in Gaza whereby militant factions halted firing rockets towards Israel and the IDF withdrew from northern Gaza. Despite nearly 70 rockets fired from northern Gaza into Israel by year's end, the IDF did not resume operations in Gaza. The ceasefire was not extended to the West Bank by year's end.

On April 10, IDF artillery fire killed an eight-year-old Palestinian girl in the northern Gaza suburb of Beit Lahiya.

On June 9, an explosion on a Gaza beach killed eight Palestinians. Palestinian witnesses claimed the explosion resulted from Israeli naval artillery fire. An IDF investigation denied the charge; however, a senior IDF officer said on June 13 that IDF forces fired 17 artillery shells into an area approximately 700 meters from the incident. HRW described the IDF investigation as "incomplete" and called for an independent investigation.

On June 20, the Israeli Air Force killed three Palestinian children and injured others in an air strike in Gaza City.

On July 8, missiles from an Israeli aircraft struck a Palestinian home in the al-Muntar area east of Gaza City, killing three and injuring four family members.

On November 6, a minibus at the Jabaliya-Beit Lahia intersection north of Gaza City was struck by Israeli shelling; three Palestinians were killed and seven others wounded.

At year's end there were no results from the IDF investigation of the July 2005 incident in which the IDF fired in the direction of Palestinians waiting to cross the Abu Holi checkpoint in Gaza, killing a 14-year-old boy.

In January 2005 IDF gunfire killed a 10-year-old Palestinian girl and injured a second inside their UNRWA school in Rafah. The IDF opened an investigation into the shooting; however, at year's end there was no public report of the investigation results.

IDF soldiers reportedly fired without warning on trespassers in or near restricted areas. Israeli security personnel operating checkpoints also killed a number of Palestinians. On January 26, IDF soldiers shot and killed a Palestinian girl, Aya al-Astal, near the Kissufim checkpoint in Gaza.

There was no resolution of the April 2005 case in which IDF soldiers killed three Palestinian teenagers near the border fence separating Gaza from Egypt or the August 2005 case in which an IDF raid of the Tulkam refugee camp killed five unarmed Palestinians. Investigations remained incomplete at year's end.

In 2004 IDF soldiers shot and killed Iman al-Hams, a 13-year-old schoolgirl, as she approached an IDF outpost in southern Gaza carrying a bag of schoolbooks that troops suspected contained explosives. After the girl had been shot from a distance, the IDF company commander allegedly repeatedly fired his automatic weapon into her at close range. In February 2005 a military court released the company commander after soldiers who witnessed the incident recanted testimony. On December 14, the High Court accepted the petition of the girl's parents and PCATI and ordered an investigation to determine whether illegal open fire orders were given in the area of the military post which led to the killing.

While protecting construction of the separation barrier, Israeli security personnel killed a number of Palestinians. In May 2005 Jamal Jaber Ibrahim Assi, age 15, and Odai Mufid Mahmud Assi, age 14, were shot and killed near Bayt Liqya, west of Ramallah, during clashes between protesters and soldiers. According to Palestinian witnesses, IDF soldiers initially used nonlethal weapons, but subsequently fired live ammunition. The IDF ordered a military police investigation and suspended the deputy company commander from operational duty until the completion of the investigation. At year's end there were no conclusions from the investigation. Weekly clashes continued in Bil'in village in the West Bank; there were injuries but no fatalities.

On June 28, as part of the Summer Rains operation, the Israeli Air Force destroyed three bridges and the transformers of the only electricity plant in Gaza. After several months the plant was repaired.

During the year Israeli forces delayed the movement of, and occasionally fired upon, medical personnel and ambulances. HRW claimed that between May 30 and June 20, IDF forces attacked Palestinian medical emergency personnel on at least six separate occasions in Gaza, including two attacks by missile-firing drone aircraft.

The IDF abuse of Palestinians or their vehicles at checkpoints continued. In its monthly reports during the year, Machsom Watch (an Israeli women's organization that monitors checkpoints in the West Bank and Jerusalem) alleged a series of abuses. On January 3, a Machsom Watch volunteer observed IDF soldiers strip and search Palestinians, including an ambulance-attending doctor, at the Jubara checkpoint.

Israeli forces continued to use Palestinians as "human shields" in violation of Israeli law despite High Court rulings in 2002 and 2005 and an IDF Chief of Staff order in 2005.

On July 20, B'Tselem announced its initial investigation into a July 17 incursion by Israeli forces into Beit Hanun in northern Gaza indicated that soldiers seized

control of two buildings in the town and used six residents as human shields. The Military Police Investigation Unit informed B'Tselem it was investigating the case; however, at year's end there were no developments.

Media reported that in a series of incidents in November, local officials from Fatah, Hamas, the Popular Front for Liberation of Palestine, and other groups urged civilians to surround homes of militants targeted for attack by Israeli forces, which resulted in them acting as human shields.

In a December 12 ruling, the 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, even for acts that were not part of combat action. The ruling held that section 5c, which almost totally prevented Palestinians injured by actions of security forces in the occupied territories from suing for compensation, was illegal.

Palestinians frequently threw stones and Molotov cocktails, and on occasion fired live ammunition at Israeli security forces. Israeli security forces on various occasions responded with tear gas, rubber bullets, and live fire, including tank fire.

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 law permits every person the right to freedom of thought, conscience, and expression, and the right to express opinions orally, in writing, or through any other form. However, a 1995 Presidential decree included injunctions against writing anything critical of the PA or the President. Although the PA did not restrict freedom of speech or press, members of the ruling Hamas faction restricted freedoms of speech and press.

Working conditions for journalists in the West Bank and Gaza deteriorated noticeably during the year. Following the January Palestinian legislative elections, tension between the Hamas-led government and the Fatah movement resulted in polarization of the Palestinian press, with reduced press freedom, notably for local-level journalists. Numerous incidents against journalists, particularly those working in Gaza, included assaults, intimidation, and abduction in retaliation for reporting perceived as biased by one faction or the other.

In April several Palestinian journalists, including Muwafaq Matar, a reporter for the pro-Fatah al-Hurriya radio station in Gaza, received death threats for their critical coverage of Hamas. Reuters reported the Palestinian Journalists' Union received complaints from seven journalists in Gaza who had been threatened by e-mail, telephone, or fax for their writings.

On May 20, masked arsonists burned three cars belonging to the Al-Jazeera satellite station in Ramallah. According to an Associated Press report, the attack was carried out by Fatah supporters against the station for not reporting an anti-Hamas demonstration in Ramallah.

On September 19, unknown assailants attacked three journalists, including a photographer for the pro-Fatah Al-Hayat Al-Jadida daily newspaper, during a Hamas demonstration in Gaza. Also on September 19, masked men attacked the offices of the official pro-Fatah news agency WAFA in Khan Younis in Gaza, assaulting journalist Amr Al Farra and destroying the contents and furniture of the outlet.

There were three Palestinian daily and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids. The PA operated one television station and one radio station. There were approximately 30 independently owned television stations and approximately 25 such radio stations.

In 2005 the PA took steps to end incitement to violence in Palestinian media; however, no additional action was taken during the year. During 2005 the Palestinian Broadcasting Corporation reduced its inflammatory material, including incitement to violence.

The Israeli occupation authorities limited freedom of expression. In East Jerusalem Israeli authorities prohibited display of Palestinian political symbols; displays were punishable by fines or prison, as were public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. Israeli authorities censored press 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. The Government claimed such restrictions were necessary for journalists' security.

Closures and curfews limited the ability of Palestinian and foreign journalists to do their jobs. Journalists complained of area closures, long waits at the Gaza border crossing, and the Government's inadequate transportation provisions.

During the year IDF soldiers beat journalists on several occasions, detained others, and confiscated their press cards in Bil'in village where there were weekly protests over construction of the separation barrier (see section 1.g.).

There were reports by foreign and Israeli media that the IDF fired upon journalists.

On July 12, media reported that Ibrahim Atla, a cameraman with Palestinian public television broadcasting, was seriously injured by shrapnel from a tank shell, and two other journalists were also injured.

On July 19, Al-Hurra reporter Fatin Elwan was struck by two rubber bullets fired by an Israeli soldier while covering the Israeli siege of the Presidential compound in Nablus. Reporters Without Borders also noted that three other journalists, including Al-Jazeera television technician Wael Tantous, were injured when Israeli soldiers fired rubber bullets at local reporters covering the event.

On August 27, according to press reports, Israeli aircraft fired two missiles at an armored Reuters vehicle, wounding five persons, including two cameramen. A spokesman stated the Israeli Air Force did not realize journalists were in the car and attacked because it was being driven in a suspicious manner.

On November 3, Hamza Al Attar, a cameraman for Palestinian news agency Ramattan, reportedly while wearing an orange vest marked "Press" was shot in the back and critically wounded while filming a protest by Palestinian women in Beit Hanun, Gaza.

In January 2005 Majdi al-Arabid, a journalist working for Israeli Channel 10 TV in the Gaza Strip, 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 and fired only on Palestinian gunmen. The IDF reportedly opened an investigation; however, at year's end there was no information on the status of an investigation.

In 2003 James Miller, a British national, was killed by the IDF while filming a documentary in Rafah in the Gaza Strip. In April 2005 a disciplinary military court acquitted an IDF officer on charges of illegal use of firearms; subsequently, he was cleared of all charges. On April 6, a coroner's court in London ruled Miller's death was an "unlawful killing." Miller's family urged the British government to seek extradition of the IDF officer who killed him.

On May 24, Israeli authorities released Awad Rajoub, a reporter for the Arabic language Web site of Al Jazeera, reportedly after being detained since November 2005; no reason was given for his detention.

On October 6, IDF officials arrested Reuters cameraman Emad Mohammad Bornat in the West Bank village of Bil'in and detained him for two weeks. Bornat was charged with "attacking an officer"; however, according to Reuters he was subsequently found innocent by an Israeli court.

Rising levels of lawlessness in the Gaza Strip subjected journalists to harassment and kidnappings.

On March 15, three foreign journalists (Caroline Laurent, Alfred Yaghobzadeh, and Yong Tae-young) were taken at the Al-Dira hotel in Gaza by unidentified gunmen. On March 16, according to news reports, all three were released.

On August 14, unidentified gunmen in the Gaza Strip kidnapped two Fox News journalists. They were released on August 27.

On October 24, photojournalist Emilio Morenatti of AP was abducted by unidentified Palestinian gunmen in Gaza City; he was later released.

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 could engage in the peaceful expression of views via the Internet, including by electronic mail. According to a poll conducted by the Ramallah-based Near East Consulting public opinion firm, approximately 50 percent of Palestinians reported using the Internet.

On November 29, four Internet cafes in Gaza City were bombed, and reportedly other Internet cafes were threatened. The Islamic militant group "Swords of Right" claimed responsibility.

Academic Freedom and Cultural Events.—There were government restrictions on academic freedom and cultural events. During the year the PA did not interfere with education; however, the violence and restrictions on the movement of Palestinians by Israeli security forces adversely affected academic institutions. Israeli closures, curfews, and the separation barrier restricted access to Palestinian academic institutions. The separation barrier also prevented some students from taking examinations. Israeli shelling and gunfire during military operations damaged a number of schools and, in some cases, killed schoolchildren (see section 1.g.). According to the UN Children's Fund (UNICEF), 269 school buildings were damaged between

2000 and the end of 2005. The PA Education Ministry calculated physical damage to schools and universities at more than $10.7 million (46 million NIS). In some instances Israeli authorities entered campuses to arrest students.

The PA did not restrict cultural events; however, the separation barrier limited access to some such events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—PA law permits public meetings, processions, and assemblies, within legal limits; however, the PA imposed some formal limits on freedom of assembly. While it required permits for rallies, demonstrations, and large cultural events, it rarely denied these permits. In Gaza police approval was required for political meetings at specific halls and for buses to transport passengers to attend such meetings. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions.

Israeli military orders banned public gatherings of 10 or more persons without a permit. Although previously Palestinians could ignore this order without punishment, during the January PLC election campaign, Israeli authorities arrested candidates and broke up meetings.

Israeli security forces used force against Palestinians involved in demonstrations (see section 1.c.). Israeli and Palestinian authorities disputed whether Palestinians attacked security forces during such demonstrations. In 2001 the IDF authorized gunfire to suppress rock-throwing.

Since February 2005 Palestinians and Israelis nonviolently demonstrated each week in the village of Bil'in, west of Ramallah, against construction of the separation barrier. During the past two years, confrontations between the IDF and protesters resulted in numerous injuries. Since 2005 soldiers beat, injured with rubber bullets, or tear gassed at least 187 protesters.

Freedom of Association.—PA law allows for the freedom of association. In practice the PA limited freedom of association; however, charitable, community, professional, and self-help organizations operated.

In 2001–03 Israeli officials closed prominent Palestinian centers and offices in East Jerusalem, claiming they operated under PA supervision in violation of signed agreements. At year's end all remained closed.

c. Freedom of Religion.—Palestinian law provides for religious freedom, and the PA generally respected this right in practice.

Islam is the official religion of the PA. Religion must be declared on identification papers, and personal status legal matters must be handled in ecclesiastical courts. The PA's Ministry of Waqf and Religious Affairs 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 judiciary failed to adjudicate numerous past cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs. There were credible reports that PA security forces and judicial officials colluded with gang members to extort property from Christians. During the year several attacks against Christians in Bethlehem remained unaddressed by the PA, but authorities investigated attacks against Muslims in the same area.

On September 14, following Pope Benedict's remarks on Islam, Palestinians attacked five churches in the West Bank and Gaza with firebombs and gunfire. Damage was minor; however, after investigation no one was charged with the attacks.

The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions. There were reports that the Israeli government seized land belonging to several religious institutions to build its separation barrier. According to the Israeli government, where private land was used, it provided opportunities for compensation; however, Palestinians generally refused compensation, arguing that acceptance would recognize Israeli right to take the land.

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. The shortage of foreign clergy impeded the functioning of Christian congregations and other religious and educational institutions.

Internal and external closures prevented tens of thousands of Palestinians from reaching places of worship in Jerusalem and the West Bank, particularly during religious holidays. Citing security reasons the Israeli government frequently prevented nearly all West Bank Palestinians and most male Muslim worshippers with Jerusalem blue 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 residents and virtually all Gaza residents from entering Jerusalem during Ramadan.

Israeli police continued to escort tourists to the Haram al-Sharif/Temple Mount to assert the right of non-Muslims to visit the shrine. Non-Muslims were not permitted to worship publicly at the shrine; however, Waqf officials accused Israeli police of permitting Jewish groups to worship publicly.

Societal Abuses and Discrimination.—Palestinian media frequently published and broadcast material about the Israeli occupation that included anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism. Some Muslim religious leaders preached sermons on the official PA television station that included expressions of anti-Semitism. Some Palestinian religious leaders rejected the right of Israel to exist. Observers interpreted such attitudes as de facto anti-Semitism. Conversely, in October 2005 Israeli media quoted PLO Chief Negotiator Sa'eb Erekat's statement that the Iranian President's declaration that Israel should be wiped off the map was "unacceptable."

The PA Ministry of Education and Higher Education (MOEHE) continued to revise its primary and secondary school textbooks. International academics concluded Palestinian textbooks did not cross the line into incitement; however, critics noted the new textbooks did not recognize Israel on its maps and often ignored historical Jewish connections to Israel and Jerusalem.

For more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.—The PA generally did not restrict freedom of movement. The Israeli occupation authorities restricted the daily movement of Palestinians and frequently heightened these restrictions citing military necessity.

The Israeli government continued construction of a security barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. Palestinians filed a number of cases with the Israeli Supreme Court challenging the routing of the barrier. In June 2004 the court ruled that a section of the barrier must be rerouted; determining that the injury caused by the routing of the barrier did not stand in proper proportion to the security benefits; various portions of the barrier route were rerouted. In July 2004 the International Court of Justice issued an advisory opinion, concluding that the construction of the barrier was in a number of aspects contrary to international law.

In September 2005 the Israeli Supreme court reaffirmed its earlier decision that the separation barrier is permissible under both international law and Israeli law; however, it questioned whether the segment of the barrier at issue (near Jerusalem in the West Bank) utilized the least intrusive route available, and it asked the Government to consider whether there was an alternative route.

On March 22, the Tel-Aviv Magistrate Court voided a section of the barrier that would have cut off the residents of Sheikh Sa'ed from East Jerusalem. On June 15, the Israeli Supreme Court ordered the Israeli government to dismantle the eastern portion of the barrier surrounding the Zufin settlement. The court ruled that an earlier petition on the issue was rejected after "the complete picture was not presented to the court" and "the court rejected the petition on the basis of information, only part of which was well-founded." On July 17, the High Court rejected a petition by Palestinian residents of villages around the Ariel settlement opposing the section of the separation barrier that surrounds the settlement. On November 26, the High Court approved the plan to construct a barrier around five Palestinian villages northwest of Jerusalem, enclosing them in a "Bir Nabalah" enclave that will separate them from East Jerusalem and neighboring Palestinian villages. On December 13, the High Court rejected a petition filed by ACRI and the human rights NGO Bimkom against the section of the barrier that severs the Palestinian community al-Ram from East Jerusalem.

At year's end over 40 petitions remained active.

By year's end the route of the barrier divided approximately 142,130 acres with a population of 60,500 Palestinians from the rest of the West Bank. According to OCHA the barrier impeded Palestinians from reaching their land to harvest crops and graze animals. Residents' access to schools, medical care, and other services was also impeded. Israeli military orders require the approximately 5,000 Palestinians residing in "seam zones" between the separation barrier and the Green Line to obtain residency permits to remain in these areas. Permits are valid for up to a year for residents and only for one gate.

Areas near the barrier or its projected route have been designated as military zones; Palestinians had no expectation they could obtain permits to build near Israeli communities or the barrier.

During periods of unrest (in the aftermath of terrorist attacks or during military exercises), Israeli authorities prohibited travel between some or all towns within the West Bank. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the West Bank. During the year there were more comprehensive closures than in 2005. A B'Tselm report through July identified 78 days of closure versus 44 in the same period of 2005. During the year there were blanket closures during Israeli religious holidays, and several Gaza crossing points were simultaneously closed for extended periods, completely closing off Gaza. During the year Israeli authorities prohibited passage between Gaza and the West Bank except for a very limited number of Palestinians holding permits issued by Israel. Palestinian travel from Jericho and in the Jordan valley was extensively limited in early April and remained restricted by ad hoc checkpoints throughout the year. In February B'Tselem claimed that Israel in effect had annexed the Jordan Valley thru residency restrictions and road closures.

In December 2005 Israeli authorities, in response to Qassam rocket fire, implemented a "buffer zone" in the northern Gaza Strip encompassing former Israeli settlements. Palestinian militants had used the area to fire rockets at Israeli communities.

West Bank Palestinians can enter Jerusalem only with an Israeli-issued travel permit. Israel also imposed curfews in some areas, which confined Palestinians to their homes in areas where the IDF conducted military operations. During the year the frequency of curfews remained the same but their duration lessened. The IDF imposed temporary curfews during almost all of its arrest operations—which were conducted virtually daily in the West Bank. However, in contrast to previous years, there were fewer extended curfews.

Beginning in September Israeli authorities required thousands of Palestinian schoolchildren, who resided on the eastern side of the separation barrier around Jerusalem, to transit gated checkpoints to attend school in East Jerusalem.

In 2004 a terrorist attack extensively damaged the Rafah terminal and killed five Israeli soldiers. The IDF closed the terminal and the crossing until February 2005. Following the kidnapping of IDF soldier Shalit on June 25, the Rafah terminal was closed 127 of the next 149 days. In a report on the first year of operation of the Agreement on Movement and Access (AMA), OCHA reported Israel did not act consistently with its provisions, severely restricting movement of persons and goods in and out of Gaza. Since June the Rafah crossing was open only 14 percent of the time. The Karni/al-Mintar crossing opened erratically and at significantly reduced capacity for most of the year. Exports from Gaza averaged less than 20 truckloads per day. Exports in December averaged 44 truckloads a day, in comparison with the AMA goal of 400 per day.

The PA issued passports for Palestinians in the West Bank and Gaza. Because there are no commercial flights from the territories, travelers must depart by land into Jordan or Egypt. Transit passes for travelers using Ben Gurion airport were not available, except for a few humanitarian cases. NGOs claimed that Israeli authorities harassed their representatives who were attempting to enter via Ben Gurion airport. In repeated incidents throughout the year, Western 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.

Palestinians with Jerusalem identification cards issued by the Israeli government needed special documents to travel abroad. Israeli Arabs required a special permit to enter area A (the area, according to the Interim Agreement, in which the PA exercises security responsibility). However, they could travel abroad using their Israeli passports without restrictions. Upon request the Jordanian government issued passports to Palestinians in the West Bank and East Jerusalem. Palestinians in East Jerusalem who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. Travelers could obtain applications for bridge-crossing permits to Jordan at East Jerusalem post offices. Israeli officials conducted screening at Allenby Bridge.

External and internal closures contributed to increased unemployment and poverty. According to World Bank figures, approximately 61,000 West Bank and Gaza workers, representing approximately 9 percent of the Palestinian work force, depended on daily employment in Israel, the settlements, and Jerusalem in the first quarter of the year. Closures also impeded Palestinians from reaching jobs or markets in the occupied territories and disrupted internal and external trade. In December UNICEF reported that there was a 31 percent unemployment rate in the Pales-

tinian territories. In December UNRWA reported that 87 percent of Gaza and 56 percent of West Bank residents lived below the official poverty line and were unable to support themselves and their families without international assistance. In addition Israel's strict closure policies frequently restricted the ability of Palestinians to reach places of worship.

Since 2000 many of the 350 Gazans enrolled in Birzeit University returned home after West Bank permits expired. During the year there were approximately 35 Gazans studying at the university, many of whom had not seen their families in five years. According to Haaretz on September 8, the IDF stated it would continue to ban Palestinian students from Gaza from studying in the West Bank. Hundreds of Palestinian students petitioned the Israeli High Court to instruct the state to allow them to complete their studies. At year's end the IDF was preparing its response to the petition. Media reported that Israeli authorities also limited West Bank Palestinians from university study in East Jerusalem; dozens of students had difficulty obtaining permits to attend schools in Israel.

Apart from closures, delays at checkpoints and roadblocks affected all aspects of life, particularly emergency health care. According to OCHA approximately 1,661 kilometers (1,000 miles) of roads and sections of roads (including military roads) are used primarily for Israelis in the West Bank. Most Palestinians were not permitted to use these roads. According to OCHA in the West Bank at year's end, there were 527 obstacles to movement, including 71 fully manned checkpoints, 11 occasionally manned checkpoints, 207 earth mounds blocking roads, 62 cement roadblocks, 83 road gates, 14 earthen walls, 12 trenches, and 67 road protection fences. In addition there were 73 gates along the separation barrier. Of the gates along the separation barrier, 38 were accessible to Palestinians in possession of permits. Some gates were not opened even during the harvest season. The operating hours of the accessible gates to Palestinians were short and sometimes irregular; although schedules were announced in advance, openings and closings were erratic and different for every region.

According to OCHA the 527 obstacles to movement in the West Bank compared with 463 at the end of 2005. Ambulances continued to have difficulty attempting to reach remote West Bank villages.

For example, villagers from Jayyus in the West Bank had difficulty exiting the village to tend fields or graze sheep. In April 2005 the IDF confiscated eight dunums (approximately three acres) of their farmland along the Palestinian side of the separation barrier to create a security road. There were two operational gates in the barrier between their village and their fields. One gate was open for 35 minutes, three times per day. The other gate was open 12 hours per day, but the IDF announced that this gate would close once another gate is opened. Palestinians said the confiscation and closures would bar them from land they own and rely on for income. Approximately 500 Palestinian farmers have land on the west side of the barrier. Only those farmers with valid permits from the civil administration could access Jayyus lands west of the barrier; during the year Israeli authorities rejected between 115 and 120 applications for access permits.

Israeli settlers abused Palestinians. According to B'Tselem on March 26, settlers attacked Palestinian shepherds sleeping in tents in the southern Hebron hills. Also in March settlers beat Jamal al Nawaja'a and his wife in Susiya. In October settlers attacked olive pickers in front of IDF soldiers in the Bethlehem District. Israeli authorities have not implemented effective measures to prevent such abuses. A June study by Yesh Din noted that more than 90 percent of complaints submitted against settlers were closed without an indictment being filed. There was no resolution of the cases in March 2005 in which Israeli settlers beat and shot at Palestinian shepherds.

Palestinians residing in the Israeli-controlled section of Hebron (H2), which includes the Old Arab Market and areas adjacent to four Israeli settlements, faced extensive restrictions on movement. According to OCHA there were 87 significant obstacles to movement in H2. Access for Palestinians to the Old City was limited to six IDF-controlled gates. IDF closures of businesses, prolonged curfews, and settler harassment forced Palestinian shopkeepers to relocate. Of the 1,610 shops officially licensed in H2 before September 2000, more than a thousand closed, one-third by military order. In November the IDF Civil Administration extended the closure of nearly 650 Palestinian shops in the center of the city for an additional six months. Hebron-based companies attempting to send products to Gaza through the Karni/al-Mintar crossing reportedly faced extended delays.

Attendance at three Palestinian schools near four Israeli settlements in Hebron has declined by almost 50 percent. Settlers harassed children when they attempted to walk to school. In April according to a human rights worker, there were at least eight attacks by settlers on Palestinians, including school children. On November

19, Israeli settlers attacked a group of human rights workers escorting school children, seriously injuring a 19-year-old Western woman. IDF soldiers intervened after the attack; however, by year's end none of the attackers was charged (see section 1.c.).

In the early 1970s and again in the early 1990s, Israel offered Palestinian residents citizenship following its 1967 occupation of East Jerusalem. Most chose not to accept Israeli citizenship but instead sought a residence permit, known as a Jerusalem identification card. Under the law such residents risk loss of status if their ties with Jerusalem lapse, although human rights groups reported that such revocations were infrequent and selectively enforced. In July 2004 an Israeli ministerial committee reportedly adopted an unpublished resolution calling for the application of the 1950 Absentee Property Law to East Jerusalem. In February 2005 the Israeli Attorney General ordered the Government not to apply the Absentee Property Law to land and buildings in East Jerusalem owned by Palestinians living in the West Bank. The Government apparently had not attempted to implement that law in East Jerusalem.

The Israeli government, under the Interior Ministry, and the Jerusalem municipality continued to demolish Palestinian houses and other structures in East Jerusalem constructed without building permits. It was a slow and expensive process for Palestinians to receive permits to build in East Jerusalem; 120 permits were issued during the year compared with 100 in 2005.

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 with their families in the occupied territories. It was difficult for foreign-born spouses and children of Palestinian residents 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 there were 120,000 outstanding family reunification requests to permit Palestinians to live with foreign spouses in the occupied territories; some have been outstanding for years. The Israeli government occasionally issued limited-duration permits, but renewing the permits could take up to eight months, which resulted in many Palestinians falling out of status. Palestinians in East Jerusalem also reported extensive delays in registering newborn children with Israeli authorities.

Neither the Israeli government nor the PA used forced exile or forcibly deported anyone from the occupied territories during the year.

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

Elections and Political Participation.—On January 25, the 132-member PLC was elected in a process that international observers concluded generally met democratic standards, despite some irregularities. On February 19, Hamas formed a new government with Ismael Hanniyah as the Prime Minister.

In November 2005 violence and reported fraud disrupted voting in primary elections to determine Fatah candidates for the January 25 PLC elections; primary elections were suspended in Gaza and the West Bank. They were completed in the West Bank in December 2005, amidst allegations of fraud and irregularities, but never completed in Gaza. Efforts to organize the electoral system, candidate and party lists, and campaign rules continued until the January election. Israeli authorities restricted campaigning for the PLC elections in Jerusalem. Hamas candidates participated in the January PLC elections, but only under the name "Reform and Change Movement" not "Hamas."

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.

Three Hamas PLC members and one Hamas minister have been jailed since January 28; all hold Jerusalem residency. They have petitioned the High Court regarding their imprisonment on charges of membership in an illegal organization (Hamas); at year's end a threatened Israeli revocation of their Jerusalem residency was pending a court decision.

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.

During the year there were 17 women in the 132-member PLC, and a woman served in a ministerial-level position. There were seven Palestinian Christians in the PLC.

Government Corruption and Transparency.—There was a widespread public perception of PA corruption, notably within the security forces. Many social and political elements called for reform. The PA security forces made little progress in rationalizing the security forces' payroll and rooting out corruption in the services. In September 2005 President Abbas appointed a new attorney general to focus on corruption. Local NGOs praised the appointment and hoped he would effectively address PA corruption. The Attorney General had announced investigations into several corruption cases; however, there was little progress on the cases. At year's end there were no proceedings at any of the PA courts on corruption charges. PA members and the general Palestinian public widely criticized the growing lawlessness inside the West Bank and Gaza and the failure by PA security forces to provide security.

On April 13, Fatah-associated militants briefly seized government offices in Ramallah; media reported the action was prompted by corrupt practices associated with distribution of taxi permits. On June 13, gunmen attacked the PLC building in Gaza, damaging and setting ablaze the third floor of the building.

The law requires official PA institutions to "facilitate" acquisition of requested documents or information to any Palestinian; however, the law does not require any PA agency to provide such information. Many Palestinians cited the law when seeking to acquire information; however, there were no PA court cases. NGOs sought to make it mandatory to provide information to Palestinians; however, there was no action during the year.

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

Local Palestinian human rights groups and several international organizations monitored the PA's human rights practices. By the end of 2005, approximately 305 NGOs were registered; another 45 remained in processing. In May the PA Ministry of Interior froze new NGO registration, reflecting general government paralysis.

PA officials usually met NGO representatives. Since the beginning of the Intifada, several NGOs voluntarily decided to defer criticism of the PA's human rights performance. Observers noted documentation of abuses was very limited. NGOs, however, criticized the PA's inadequate security performance.

At year's end the killers and their motives remained unknown in the 2004 Gaza City shooting death of Khalil al-Zaban, a journalist and advisor on human rights and the media to then PA President Arafat. Al-Zaban headed the PA's government-appointed NGO Council and published its monthly newsletter.

Some PA security organizations, including the General Intelligence Service in the West Bank and the police, appointed officials as liaisons with human rights groups. These officers met human rights organizations and diplomats to discuss human rights cases.

Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli government's practices in the occupied territories. The Israeli government permitted human rights groups to publish and hold press conferences and provided the ICRC and other groups with access to detainees (see section 1.c.). Some organizations criticized Israeli government practices and cooperation. During the year Israel established direct contact with NGOs and human rights groups. Human rights groups, however, continued to report that Israeli closures impeded and, at times, completely prevented their work.

At year's end the assailants in the 2004 attack on members of the Christian Peacemakers Teams, Amnesty International, and an Italian NGO ("Operation Dove") remained unidentified and had not been apprehended. The group escorted Palestinian children from the village of Tuwani to a nearby school. While walking past the settlement of Ma'on, masked settlers attacked the escorts, seriously injuring a volunteer.

On April 10, a London coroner's court concluded that Thomas Hurndall was unlawfully killed. In 2004 Hurndall, a British International Solidarity Movement (ISM) activist, died from injuries sustained in 2003 when an IDF soldier shot him as he attempted to move Palestinian children to safety during clashes in Rafah. In August 2005 an IDF court sentenced Sergeant Wahid Taysir, earlier convicted of manslaughter and obstruction of justice in Hurndall's killing, to eight years in prison. On February 7, the military prosecution appealed Taysir's sentence, requesting a 20-year sentence instead; at year's end there was no decision on the appeal.

In 2003 gunfire from an undetermined source struck ISM activist Brian Avery, while he was walking during curfew in Jenin. The IDF denied responsibility for the incident. Following a 2004 legal petition to investigate Avery's shooting, in February 2005 the High Court ordered the IDF to investigate the incident further; however, the Judge Advocate General, after interviewing civilian eyewitnesses, decided not to

launch a criminal investigation. On September 20, the High Court instructed the Government to explain why it opposed an investigation of the shooting. On November 23, the Government stated the chief military prosecutor saw no reason to change the previous decision; however, "to remove any doubt," he ordered a military police criminal investigation. The Government agreed to pay Avery's court costs of $3,495 (15,000 NIS).

UNRWA and other groups reported increased difficulties transporting goods to Palestinian refugees in Gaza due to frequent closures of Karni, the main commercial crossing between Israel and Gaza, as well as the inability of local staff to acquire border crossing permits. UNRWA also reported experiencing frequent delays at checkpoints and roadblocks throughout the West Bank. UNRWA estimated that during the year, it incurred over $2 million (8.582 million NIS) in excess charges because of an inability to transport humanitarian supplies through during border closures as well as substantial staff delays at checkpoints and roadblocks throughout the West Bank and exiting Gaza at the Erez Crossing. For example, in December UNRWA international staff was delayed for approximately 97 hours at estimated cost of more than $70,000 (300,000 NIS).

UNRWA staff in the West Bank and Gaza, and refugees receiving assistance were harassed by Palestinians. On October 19, seven Palestinian gunmen broke into the UNRWA Relief Office in Rafah and fired shots in the air and inside the building, demanding assistance to reconstruct their family's home, which was destroyed by an Israeli Air Force attack five days earlier.

On September 4, reportedly for the first time in six years, a delegation from the Israeli human rights organization, Physicians for Human Rights was permitted to travel to Gaza to meet with Palestinian counterparts.

The Palestinian Independent Commission for Citizens' Rights serves as the PA's ombudsman and human rights commission. It enjoys the cooperation of the PA and issues an annual report detailing violations of citizens' rights in the occupied territories by both Palestinian and Israeli authorities. The report documents complaints the organization has received and the recommendations it makes to the appropriate Palestinian authorities.

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. However, the law does not cover a number of areas, and there was societal discrimination against women, persons with disabilities, and homosexuals; child abuse also persisted.

Women.—There were no reliable data on the incidence of violence against women. PA law does not explicitly prohibit domestic violence, but assault and battery are crimes; however, according to HRW few cases were successfully prosecuted. Rape is illegal, but its legal definition does not address spousal rape.

There were reports that Palestinian domestic violence had increased since 2000. Human rights groups reported continued family "honor" killings during the year.

During the year family members killed three women in so-called honor crimes, according to human rights groups. On August 10, PA police discovered the bodies of two Palestinian women in their twenties in the Gaza Strip. The police stated the women had been shot and killed. The police noted that they were investigating the incident and that the women were victims of honor killings. At year's end there were no arrests.

On August 21, the body of an unidentified woman was found in an abandoned water well near Qalqilia. PA police investigated, and initial findings indicated it was an honor killing. On August 21, the police arrested and briefly questioned the woman's brother; however, at year's end there was no further legal action.

On November 3, according to media and HRW reporting, civilian women were human shields for Hamas militants as they exited a mosque in Gaza where they had been cornered by IDF forces.

Prostitution is illegal. There was no openly practiced prostitution.

There were no special laws regarding women's rights in the workplace. Before 2000 women increasingly worked outside the home, often encountering discrimination and, occasionally, sexual harassment. Women were underrepresented in professional life, although a small group was prominent in politics, medicine, law, teaching, and NGOs.

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.

Palestinian women endured social prejudice and repression. Education and 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. Media reported sporadic instances of women being attacked in Gaza for not wearing Islamic dress.

For Muslims personal status law is derived from Shari'a (Islamic law). Ecclesiastical courts rule on personal status issues for Christians. Shari'a pertaining to women is part of the 1976 Jordanian Status Law, which includes inheritance and marriage laws. Women can inherit under Shari'a but not an equal share. Legally, men may take more than one wife; the practice was rare. Women may make "stipulations" in marriage contracts to protect their interests in divorce and child custody; however, only an estimated 1 percent did so. Children often stayed with the mother after divorce. Until a child reached legal maturity, men paid child support and alimony, depending on the man's income.

Children.—Although MOEHE's stated commitment is to provide children access to educational facilities and ensure their welfare, it must rely on the international community for assistance to build capacity for child protection and development.

The September World Bank Education Sector Report stated that in 2005, 88.4 percent of girls age 16 to 17 and 81 percent of boys of the same age were enrolled in school for an average increase of 13.2 percent from 2000. According to the same report, student enrollment for five- and six-year-olds decreased by 7.7 percent from 2000–06. Girls who married before the ninth grade left school at the behest of husbands, and in rural areas and refugee camps, boys left school to help support their families.

In September 90 percent of West Bank PA public school teachers went on strike, and most Palestinian students were unable to attend classes. In some districts teachers who taught the final year of high school held classes despite the strikes. West Bank teachers returned to work in November, following agreement with the Government concerning immediate payment of salaries. In Gaza most PA teachers also struck in September but returned to work within a month.

Internal closures, checkpoints, and the separation barrier significantly impeded students and teachers in reaching educational facilities (see sections 2.a. and 2.d.).

Also according to the September World Bank Education Sector Report, in 2005 the average student-teacher ratio in government schools was 26 to one. According to that report, class sizes in the West Bank were much smaller than in Gaza where 56 percent of elementary school classes had more than 40 students, in contrast to 18 percent of classes in the West Bank. In 2005 UNRWA schools' average student-teacher ratio was 33 to one.

Education and health care professionals judged that the violence produced lack of focus, nightmares, and behavioral problems. OCHA reported during 2005 that 42 percent of students in Gaza recorded lower school achievement since 2000. One-third of Palestinian children have had their education disrupted.

According to a 2003 report by the Jerusalem Center for Social and Economic Rights, Palestinians constituted 33 percent of the city's total population, but the municipal budget accorded only 10.9 percent to East Jerusalem.

In 2001 the Israeli High Court ordered the municipality to build 245 new classrooms within the next four years. According to a September report by the Jerusalem-based NGO Ir Amim, 48 new classrooms were built in East Jerusalem between 2001–06.

The PA Health Ministry immunized children, and PA insurance provided basic children's medical care for a small monthly fee. The latest available figures showed a slight improvement in nutrition from 2003 when 3.4 percent of Palestinian children suffered from acute malnutrition and 10.7 percent suffered from chronic malnutrition.

Unlike in previous years, child abuse was reported to be a widespread problem. A November study by HRW cited the preliminary findings of a PA statistics bureau survey of domestic violence indicating high levels of violence perpetrated by family members, aggravated during times of political violence. The Basic Law prohibits violence against children and sanctions parents who failed to protect children from abuse; however, PA authorities rarely punished familial violence. PA courts may protect children in cases of neglect or abuse.

The law provides that no one under 14 can work. Those between 15 and 18 can be employed under limited conditions (see section 6.d.). There is no juvenile court system, but certain judges specialized in juvenile cases.

International and domestic NGOs promoted educational, medical, and cultural services for children, and other groups specialized in the needs of children with disabilities.

The IDF allegedly used minors as human shields; Palestinian terrorist groups used minors to conduct attacks, smuggle weapons, or act as human shields. On July

17, according to B'Tselem, during an incursion by Israeli forces into Beit Hanun in the northern Gaza Strip, IDF soldiers seized control of two buildings and used six residents, two of whom were minors (ages 14 and 16) as human shields (see section 1.g.). On February 2, the IDF arrested a 15-year-old and a 16-year-old Palestinian boy at the Huwwara checkpoint, near Nablus, as they attempted to smuggle 11 pipe bombs into Israel.

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 under the law and before the judiciary, without discrimination because of race, sex, color, religion, political views, or disability. Access to public facilities was not mandated in the occupied territories. There was societal discrimination against Palestinians with disabilities in most spheres, including education, employment, transportation, and access to public facilities. In 2005 the Health, Development, Information, and Policy Institute estimated that 10 percent of the approximately 29,000 Palestinians injured in the past five years would have permanent disabilities.

Poor quality care for Palestinians with disabilities was a problem. Some underfunded institutions cared for persons with disabilities. The PA depended on NGOs to care for persons with physical disabilities and offered substandard care for those with mental disabilities.

Other Societal Abuses and Discrimination.—There was no legal discrimination against homosexuals, and there were no specific reports of abuse because of sexual orientation. However, cultural traditions and religion reject homosexuality, and Palestinians alleged that public and PA security officers harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.

Section 6. Worker Rights

a. The Right of Association.—The law permits workers to form and join unions of their choice without previous authorization. Birzeit University conducted a project to disseminate the 2001 labor law and to draft bylaws. By the end of 2005, the PA approved all the bylaws, which were published in the Palestinian Gazette.

Workers may establish unions without government authorization. The two most active union organizers 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 Labor Ministry.

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 General Federation of Labor (Histadrut).

Palestinians working in Israel or Jerusalem prior to 2000 were partial members of Histadrut; 1 percent of their wages was withheld. Partial membership entitled them to limited benefits. Histadrut and West Bank union officials negotiated an agreement in 1995 to transfer half of this fee to the PGFTU, which claimed it was owed $6.96 million (29.9 million NIS). One Palestinian official, however, claimed Histadrut owed Palestinians $2.35 million (10.1 million NIS) over the same period. At year's end no money had been transferred.

b. The Right To Organize and Bargain Collectively.—The labor law provides for the right to strike. Prospective strikers must provide written warning to the other party and the Ministry of Labor two weeks in advance of the basis for the strike. (Strikes affecting public utilities require four weeks notice.) In practice strikers had little protection from retribution. Unions seeking to strike must accept Labor 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 special court. Accordingly, in practice the right to strike remained questionable.

On September 2, PA employees launched a general strike to protest the PA's failure to pay salaries. On November 11, teachers returned to work after the PA agreed on partial salary payments. Health sector workers secured a similar agreement in early December. Although receiving partial salary payments, most West Bank PA employees remained on strike at year's end. The general strike was not strictly observed in Gaza.

There were no functioning Export Processing Zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor.—The law states that work is a right, duty, and honor and that the PA will strive to provide it to any individual

capable of performing it. According to a Labor Ministry official, the PA also interpreted this law to mean that forced and compulsory labor is prohibited.

d. Prohibition of Child Labor and Minimum Age of Employment.—The minimum employment age is 15, and there are special conditions for employment between 15 and 18. The law states that children shall not be exploited or allowed to perform work which might damage their safety, health, or education. The law also prohibits minors from 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 manufacturing enterprises. Representatives from the PA Ministries 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. The Israeli government estimated that 16,800 Palestinians worked in Israeli West Bank settlements and industrial areas; however, it was unclear how many were minors. Officials stated Palestinian child workers illegally entered green-line Israel where they could be exploited.

In 2005 the PA had 10 child labor inspectors for the West Bank and Gaza. Although generally Palestinian students continued their education, thousands who left school sought work and were potentially subject to exploitation.

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, the living standard dropped significantly over the past six years.

The normal workweek was 45 to 48 hours, but maximum workweek laws were not effectively enforced. The PA observed religious holidays, but they were not formally incorporated in labor law. Although it is not obligatory for an employer to provide Christians with Sunday off, employers are required to allow Christians to attend church on Sunday if the employee desires. In some establishments employers offered Christians the option of taking Sunday off, rather than Friday.

The PA Labor 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). The 2003 multiparty parliamentary elections were generally considered to be free and fair; however, the election law significantly underrepresented urban areas. Civilian authorities generally maintained effective control over the security forces, although there were some instances in which members of the police and security forces were accused of committing human rights abuses.

While the Government respected human rights in some areas, its overall record continued to reflect problems. The following human rights problems were reported: Restrictions on the right of citizens to change their government; torture, arbitrary arrest, and prolonged detention; impunity; denial of due process of law; limited judicial independence; infringement on citizen's privacy rights; harassment of members of opposition political parties; restrictions on freedom of speech, press, assembly, association, movement, and on some religious practices; legal and societal discrimination against women, discrimination against persons of Palestinian origin; restrictions on labor rights; and abuse of foreign workers.

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 no reports that the Government or its agents committed any politically motivated killings; however, on April 13, one prisoner died in a prison riot at Gafgafa (see section 1.c.).

In 2004 five men accused in the 2002 killing of an American diplomat were convicted, some in absentia. One suspect, Muammar al-Jaghbir, convicted and sen-

tenced to death in absentia, was in custody as of year's end and was retried in accordance with the law, which provides for a new trial in such circumstances. At his retrial, he was also charged with the 2003 bombing of Jordan's embassy in Baghdad.

In November 2005 a group of Iraqis carried out suicide bombings at three hotels in Amman, killing 60 and injuring over one hundred. On September 20, one attacker in custody was sentenced to be hanged, along with six others who were tried in absentia and convicted of plotting terrorist acts and possessing explosives with illicit intent. Her sentence was under review by the Court of Cassation; at year's end she has refused to appeal.

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. Following his July visit Manfred Nowak, UN Special Rapporteur on Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, described police and security forces practices using torture as "widespread." He stated there were many "consistent and credible" allegations of torture, which Nowak claimed were substantiated by forensic medical evidence. He noted that a number were difficult to verify because of incommunicado detention (see section 1.d.) by the Criminal Investigation Department (CID) of the Public Security Directorate (PSD) and the General Intelligence Directorate (GID).

Additionally, the Special Rapporteur reported that detainees at the Al Jafr Correctional and Rehabilitation Center were routinely subjected to corporal punishment. The Special Rapporteur also received many allegations of torture at various local police stations.

In a July 24 report, Amnesty International (AI), an international nongovernmental organization (NGO), alleged the systematic torture of political suspects. The most frequently alleged methods of torture included severe and prolonged beating with sticks, plastic pipes, ropes or whips, on the soles of the feet and elsewhere, sleep deprivation, extended solitary confinement, forced standing in painful positions for prolonged periods, threats of extreme violence or sexual or physical abuse of family members, and physical suspension. In the AI publication, Your Confessions are Ready for You to Sign, defendants charged with security-related offenses before the State Security Court claimed that they were tortured to obtain confessions and subjected to physical and psychological abuse while in detention.

According to AI, suspected Islamists and Palestinian-origin citizens were more likely to be tortured.

Government officials denied many allegations of detainee abuse, pointing out that many defendants claimed abuse in order to shift the focus away from their crimes.

During the year defendants in nearly every case before the State Security Court claimed that they were tortured while in custody. At times the courts requested that prison administrators treat inmates in accordance with the law. A May 21 report issued by government-funded National Center for Human Rights (NCHR) covering 2005 reported 70 mistreatment or torture complaints at prisons and detention centers administered by the PSD; there were 250 reported in 2004. The NCHR report did not specifically provide information on complaints regarding GID facilities.

NCHR's May report covering 2005, The State of Human Rights in the Hashemite Kingdom of Jordan, stated that the court system does not provide sufficient guarantees to prevent torture and other forms of abuse at the hands of authorities.

In December 2005 NCHR sent a memorandum to Prime Minister Bakhit calling for the adoption of a series of legislative and procedural arrangements to combat torture. In response, the Government formed a committee to study the report and consider its recommendations.

During a June 29 press conference, UN Special Rapporteur Manfred Nowak, visiting at the Government's invitation, stated he had observed indications that torture had taken place, and urged the Government to criminalize torture, dissolve private police and intelligence courts, investigate torture allegations and create mechanisms to prevent torture. The Government responded publicly by highlighting its invitation to Nowak as evidence of its commitment to addressing human rights issues.

During the year human rights activists alleged a number of cases of beatings and other abuses of individuals in police custody.

On January 10, three men were arrested entering a mosque during the 'Eid al-'Adha holiday, according to AI. Their families learned that they were being detained by the GID in the Gafgafa prison and were permitted to visit them eight days after their arrest. The three men alleged they had been beaten and forced to sign confession statements. The men were charged with "belonging to an illegal organization", namely the Hizb al-Tahrir al-Islami, which openly calls for the overthrow of the Hashemite monarchy. On December 6, the State Security Court sentenced two of the men to one year in prison and the third to six months.

On March 23, the State Security Court sentenced nine men to death in connection with an uprising that took place in Ma'an in 2002. They were charged with possessing weapons and making explosives for illegal use. The defendants alleged that they were beaten, kept naked in cold cells, and forced to sign pre-written testimonies.

On September 19, Human Rights Watch (HRW), an international NGO, published Suspicious Sweeps: The General Intelligence Directorate and Jordan's Rule of Law Problem. The report states that the GID arrests "radical Islamists who support use of violence and who consider others to be infidels and therefore legitimate targets of violent attacks," and documents cases of 16 detainees. Some of the detainees alleged that the GID abused and tortured them.

Prison and Detention Center Conditions.—Prisons were overcrowded and understaffed with poor sanitary conditions and inadequate food and health care, according to the NCHR. The Government permitted visits, with private interviews by independent local and international human rights observers, except to some GID detainees. There were instances of torture and harsh and inhumane treatment, according to the UN special rapporteur and human rights organizations.

On November 1 NCHR, a quasi-governmental body with educational, protective, and reporting responsibilities, issued its fourth report on the condition of the country's prisons. The report noted that although the Government has improved some facilities, more needed to be done, particularly with regard to health and safety conditions at the prisons. NCHR recommended that the Government close Al Jafer prison, located in the desert 155 miles south of Amman. Since the prison is geographically isolated, NCHR contended that the inmates have limited access to lawyers. The report also mentioned high illiteracy rates among inmates overall in the country, which contributed to their ignorance of their rights to seek legal assistance. On December 17, the King announced the immediate closing of the facility and its conversion to a vocational training school.

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. While security prisoners often were separated from common criminals, conditions for such prisoners did not differ significantly.

The police regularly placed potential victims of honor crimes in protective custody (see section 5).

Local human rights monitors were allowed to visit prisons. NCHR made 19 visits to prisons in the 12 month period beginning in October 2005. During the year the International Committee of the Red Cross (ICRC) was permitted access to prisoners and detainees in all prisons.

In March and April disturbances erupted at prisons in Jweideh, Swaqa, and Gafgafa. On April 13, riots occurred in Gafgafa prison, which resulted in the death of one prisoner and 35 injured inmates as well as some prison guards (see section 1.a.).

In August and September inmates in Swaqa and Jweida prisons staged hunger strikes. These strikes attracted a great deal of media attention but ended peacefully.

d. Arbitrary Arrest or 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 penal code allows for a functional bail system of conditional release. Detainees were not always allowed prompt access to a lawyer of their choice. There were allegations of incommunicado detention (see section 1.c).

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."

After approval by parliament on August 27, the Prevention of Terrorism Act was published in the official gazette. Some Jordanian commentators and human rights groups complained 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 new act.

Role of the Police and Security Apparatus.—The Public Security Directorate (PSD) controlled general police functions. The PSD, GID, and the military shared responsibility for maintaining internal security and maintained authority to monitor 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. In 2005 28 police officers were tried in courts on torture charges. Of them, 14 were convicted and 14 were acquitted. During the year, eight police officers were tried, three were convicted, two acquitted, and two were awaiting verdict at year's end. The PSD's preventative security office investigated officers' performance. Incidents of poor officer performance ultimately were reported to the PSD director's office (see section 1.c.). Citizens may file a complaint about police abuse or corruption to the office of complaints and human rights. During the year citizens filed 425 complaints (see section 4). The head of this office reported directly to the PSD director. New officers in training received special instruction on preventing corruption.

Arrest and Detention.—The criminal code requires that police notify legal authorities within 48 hours of an arrest 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 State Security Court gives the judicial police authority to arrest and keep persons in custody for a period of seven 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 one or two days before their trial. The criminal code prohibits pretrial detentions for certain categories of misdemeanors. At years end, according to the NCHR, 590 inmates were in detention without charge.

In June 2005 extremist Issam al-Barqawi, also known as Abu Mohammad al-Maqdisi, was released after having been held for six months following his acquittal on charges of plotting subversive acts and possessing explosives as part of an alleged terrorism plot. In July 2005, he was rearrested and charged for allegedly contacting terrorist groups and charged with plotting subversive acts. At year's end he was awaiting trial by the State Security Court. On December 12, a jihadist website posted a letter claiming that Maqdisi was "physically abused" by an officer and six prison guards in Jordan (see section 1.c).

In the past human rights activists reported that the Government detained journalists (see section 2.a.) 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 citizens under house arrest for up to one year without formally charging them (see section 2.d.). 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.

The Government used the threat of detention to intimidate journalists into practicing self-censorship, according to the Center for Protecting the Freedom of Journalists (see section 2.a.).

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 was subject to family and tribal influence. The higher judiciary council, a committee led by the President of the Court of Cassation, and comprised of other high-ranking officials from the various courts and the Ministry of Justice, determines judicial appointments, assignments, and evaluations. The higher judiciary council remains under the administration of the Ministry of Justice.

Unlike in previous years, there were no allegations that judges were "reassigned" in order to remove them from particular proceedings.

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-Muslim religious communities. 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 (see section 5).

Trial Procedures.—The law provides that all civilian court trials are open to the public unless the court determines otherwise. Defendants were entitled to legal counsel, may challenge witnesses, and had the right to appeal. Defendants who faced the death penalty or life imprisonment were represented by legal counsel. 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 (see section 5). 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 two dozen cases were tried or were ongoing in the State Security Court during the year. Like 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 refused access to legal council 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 (see section 1.c.). The Court of Cassation 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 in this 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.

The press and publications law permits journalists to cover state security court proceedings unless the court rules otherwise. The press routinely reported on cases before the court, including all cases heard during the year. Such reporting routinely covered defense arguments and allegations of torture.

Political Prisoners and Detainees.—During the year, there were reports of political detainees (see section 1.d.). On June 11, four Islamic Action Front (IAF) members of Parliament were arrested and charged with violating Article 150 of Jordan's Penal Code, which prohibits writing or speech that is "intended to, or results in, stirring up sectarian or racial tension or strife among different elements of the nation," after visiting the condolence tent of the family of Abu Musab al- Zarqawi (see section 2.a.).

In August four men were arrested while distributing leaflets condemning the July to August conflict between Israel and Lebanon. The leaflets were prepared by the outlawed Hizb al-Tahrir, a political party dedicated to restoring the Islamic Caliphate and ending the Hashemite monarchy. Charged with membership in an illegal group and distributing illegal material, on December 6, two of the four men were sentenced to one year prison terms. One man was sentenced to 6 months for distributing illegal material only and the fourth man was acquitted on both charges.

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 restricted the rights to be free of arbitrary interference. 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 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. The law permits these practices if the Government obtains a court order.

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.

The 1998 Press and Publications Law is foremost among the laws that impose restrictions on the operation of newspapers. Government intimidation also led to self-censorship of journalists. The Penal Code provides that "insulting the King and stirring sectarian strife and sedition," could be invoked to punish journalists. According

to the Penal Code the punishment for defamation of the King or royal family is three 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. Citizens generally did not hesitate to criticize the Government openly. Allegedly government officials delayed publications at the printer. However, journalists exercised caution with regard to the King, the royal family, and the GID. Membership in the Jordan Press Association (JPA) is required for persons to be considered journalists or editors; the JPA can exercise control over content or threaten disciplinary measures. The law gives the association the authority to hold disciplinary councils against any journalists that violate the rules or ethics of the profession.

The Press and Publications Law provides the Government with limited ability to issue fines, transfers the power to withdraw licenses to the judiciary, 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. Article 35 of the Press and Publications Law gives the Prime Ministry the right to withhold publishing any printed material. The law imposes strict limits on publications, which gave the Government broad leeway to impose sanctions. During the year the Government used informants and censors at printing presses to inform it if particularly objectionable material was slated for print.

Journalists also may be prosecuted before the State Security Court for criminal and security violations. There were no cases during the year. Although historically some past cases were dismissed before trial, in the past some cases lingered in the courts for years. According to the National Center for Defending the Freedom of Journalists, the Government used detention and prosecution or the threat of prosecution to generate journalistic self-censorship (see section 1.d.).

The Prevention of Terrorism Act enacted on November 1 was criticized as limiting free speech. Some human rights groups alleged that the broad definition of terrorist speech and opinion under the Act 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 May 30, Amman's conciliation court sentenced two editors, Jihad Momani and Hashem al-Khalidi, to two months imprisonment for "attacking religious sentiment" over their publication of the controversial Danish cartoons of the Prophet Muhammad. The court immediately released the editors on bail pending their appeals. Following the death in Iraq of terrorist Abu Musab al-Zarqawi, on June 8, the Government interrupted a live interview with Zarqawi's brother-in-law, broadcast on Al-Jazeera satellite television. Police briefly detained the station's Amman bureau chief, Yasir Abu Hilalah.

On June 11, four members of parliament were arrested after visiting the condolence tent of the family of Abu Musab al- Zarqawi. The four men were Muhammad Abu Faris, Ali Abu Sukkar, Ja'far al-Hurani, and Ibrahim al-Mashukhi, all members of the IAF. They were charged with violating Article 150 of the penal code, which prohibits writing or speech that is "intended to, or results in, stirring up sectarian or racial tension or strife among different elements of the nation." Abu Faris praised al-Zarqawi as a martyr in a television interview and disparaged the victims of the November 2005 Amman suicide bombings, in which 60 died and over 100 were injured. In August Abu Faris and Abu Sukkar were sentenced to 13 months in prison and fines of 100 JD. The others arrested were released in July and August. King Abdullah pardoned Abu Faris and Abu Sukkar on September 30 and all fines were dropped.

During the year, several journalists interviewed by the Committee to Protect Journalists (CPJ), an international NGO, reported that authorities pressured printers to delay publication of several newspapers until editors agreed to remove critical articles. Editors reportedly received telephone calls from security officials instructing them how to cover certain events.

In April Tammer Smadi, a reporter for the Islamist weekly As-Sabeel, and a photojournalist from the same publication were detained for several hours for covering a street protest organized by an Islamist organization. They were interrogated, and the reporter alleged he was beaten. The photojournalist's camera was taken from him and later returned. Later in the month the GID allegedly arrested another journalist from As-Sabeel and detained him for three days after he returned for an interview with Mousa Abu Marzouk, a Hamas leader living in Damascus.

On April 4, Ahmad Ali Abdullah al-Yamani, a bookshop owner in Aqaba, claimed he was harassed by the GID, who confiscated newspapers and books from his shop. They allegedly detained his son for several hours for questioning and instructed him not to keep newspapers in the glass window of his shop before releasing him.

In May Fahd Rimawi, editor of the weekly Al-Majd, was held by GID for over eight hours the day after he printed a story quoting Prime Minister Bakhit as saying accusations that Hamas was smuggling weapons through Jordan lacked credibility. He was also allegedly called by the Prime Minister's office and asked to issue a retraction.

On November 1, former royal advisor Adnan Abu Odeh was sued by a group of private citizens for saying in an October 28 interview with Al Jazeera that Palestinians are underrepresented in Jordan. The complaint included allegations Abu Odeh had "stirred unrest" and "insulted the King". On November 5, the State Security court dismissed the suit.

The Press and Publications Department continued to enforce bans on the publication of selected books. Books were banned for religious, moral, and political reasons.

In January authorities banned the distribution of A. S. Bishtawi's book, History of Injustice in the Arab World.

During the year, the Government passed a law that requires sermons and classes in mosques to be under government control. Muslim imams and teachers required written approval from the Ministry of Religious Affairs (See section 2.c.).

In September the Press and Publications Department, a government censorship office, withdrew a number of books from Amman's 11th annual International Book Fair. Among these was The English in Faisal's Life, a book about King Faisal of Iraq, Exposed Secrets dealing with Israel and nuclear weapons, and A Feast for Seaweeds, a novel banned for containing themes contrary to Islamic laws.

High taxes on media and tariffs on paper caused journalists to reduce the size of their publications. 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. Radio and television news broadcasts, more restricted than the print media, underwent limited liberalization during the year. Jordan Television reported only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts were available and unrestricted.

In July King Hussein Bin Talal University signed an agreement to begin broadcasting on an FM frequency. Its license excludes news and political content.

On October 1, Yarmouk University began broadcasting Yarmouk FM, with support from Internews, an international NGO. The licensed format is that of a community-radio station; while social issues are discussed, news and political content are not allowed.

Internet Freedom.—During the year, the Government allowed Internet news sites to operate in the country, including those that presented news critical of the Government.

In the past the Government opened investigations attempting to determine who was responsible for Internet sites that allegedly libeled the King; however, no one was known to have been prosecuted in such cases during the year. In the past there were reports of government interference with Internet access, including several Web sites that appear to have been blocked.

Academic Freedom and Cultural Events.—The Government limited academic freedom. Some academics claimed that they received frequent threats of dismissal. During the year members of the academic community claimed that there was an ongoing intelligence presence in academic institutions. During the year 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 May 16, 700 students at the University of Jordan demonstrated to oppose the university administration's appointment of the head of the Student Union. A counter-demonstration supporting the administration took place on the same day.

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. The Government generally granted permits for protests it finds 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 three days prior to any event. Under the law no protest may be held without the governor's consent, and violators face imprisonment from one to six months and a fine not to exceed $4,230 (3000 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.

The Prevention of Terrorism Act (PTA), Law No 5520, provides for punishment of those involved in peaceful demonstrations which could be interpreted as "disrupting of public order," or "endangering public safety", both of which fall under the definition of "terrorist acts" in the newly promulgated law.

On March 7, the Government banned a planned demonstration of professional unions against a draft law barring professional associations from engaging in politics and deployed security forces to prevent the protest.

On April 9, the security services briefly detained several dozen IAF activists for promoting an unsanctioned general strike opposing cuts in fuel subsidies. Although reports differ on the number of activists detained and the length of their detentions, authorities released all of the activists within days.

On August 19, approximately 1000 citizens marched to protest alleged threats to the Al Aqsa Mosque in Jerusalem. The governor of Amman initially refused the event organizers a permit on technical grounds, but a second request was approved the day before the march was scheduled to occur.

On September 19, the IAF requested the Governor of Amman's permission to organize a demonstration to protest statements by Pope Benedict XVI. Permission was denied.

On November 14, the acting Governor of Irbid Walid Abda rejected a request by the National Opposition Parties Coordination Committee to organize a demonstration in Irbid to express solidarity with the Palestinian people.

In 2004 the Government detained protestors at the al-Wihdat refugee camp in the southern suburbs of Amman, claiming that the demonstration was not licensed. According to media reports, more than 60 persons were detained for burning the national flag and destroying property. Human rights activists claimed more than 200 demonstrators were detained in the demonstration following the killing of Hamas leader Sheikh Ahmed Yassin. The Government claimed it filed formal charges against some of the detainees while releasing those under 18.

Freedom of Association.—The constitution provides for the right of association; however, the Government limited freedom of association by law. The law prohibits the use of associations for the benefit of any partisan organization. The Government required and routinely granted approval for nonpolitical conferences, workshops, and seminars.

The Government prohibits membership in unlicensed political parties but routinely licensed political parties and other associations. During the year there were 33 licensed political parties. The Government may deny licenses to parties that it decides do not meet the political and other criteria contained in the Political Parties Law (see section 3). In practice, the Government sometimes rejected applications by political parties to organize rallies and demonstrations. The High Court of Justice may dissolve a party if it violates the constitution or the law.

The Labor Law prohibits some groups from joining labor unions, such as noncitizens and agricultural and domestic workers. (see section 6)

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 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 must also conduct a background investigation. Recognition allows a religious group to purchase land with a tax exemption.

During the year the parliament approved a law that required preachers and teachers in mosques to have licenses issued by the Ministry of Religious Affairs (see section 2.a.).

Members of unrecognized religious groups and converts from Islam faced legal discrimination and bureaucratic difficulties in personal status cases. The Government prohibits non-Muslims from proselytizing Muslims.

Persons enjoy freedom of belief, and there were no reports that the practice of any faith was prohibited. Some religious groups, while allowed to meet and practice their faith, complained of societal and official discrimination. In addition not all Christian denominations have been accorded legal status.

Islam, Judaism, and Christianity are the religions formally recognized by the Government. 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 Druze or Baha'is.

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.

The Jordan Evangelical Theological Seminary (JETS), a training school for 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. During the reporting year, the Government confiscated a shipment of approximately one hundred books ordered by JETS. The Ministry of Foreign Affairs intervened and secured the release of the books to JETS.

Conversion to Islam by Christians was allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths complained of social and government discrimination. Under Shari'a converts are regarded as apostates and legally may be denied their property and other rights.

Converts from Islam to Christianity faced possible loss of civil rights, loss of child custody, and economic hardship. However, courts have shown a willingness to decide mixed religion child custody cases in the best interests of the child.

On January 20, a Shari'a court received a complaint against Mahmoud Abdel Rahman Mohammad Eleker for apostasy, following his conversion from Islam to Christianity. On April 14, the complainant, the convert's brother-in-law, dropped the case after the convert's wife renounced in the presence of a lawyer any claims she might have to an inheritance from her own parents.

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 members 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 2004 Shari'a courts have granted over 239 divorces sought by women (see section 5). 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 be 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.

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) of all citizens. Atheists must associate themselves with a recognized religion for official identification purposes.

Government policy requires that foreign missionary groups refrain from public proselytizing. The Government has taken action against some Christian proselytizers in response to the complaints of recognized Christian groups, who charge that the activities of these missionaries are disruptive to society.

Societal Abuses, Discrimination, and Anti-Semitism.—Relations between Muslims and Christians generally were amicable.

Anti-Semitism in the media was present and editorial cartoons, articles, and opinion pieces critical of Israel sometimes depicted negative images of Jews throughout the year in the newspapers Al-Rai, Al-Dustur, and Al-Ghad. There was no government response to these pieces.

Aside from expatriates and diplomats, 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 discrimination.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, there were some restrictions. The law requires that all minors obtain written permission from a guardian to apply for a passport. Unlike in previous years, there were no cases of mothers reporting they were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country (see section 5). The GID sometimes withheld passports from citizens on security grounds.

Local governors may use the Preventing Crimes Law to place citizens under house arrest for up to one year without formally charging them (see section 1.d.). 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 five years. Most persons of Palestinian origin living in the country were citizens and received passports; however, the Government estimated that there were 150,000 Palestinian refugees, mostly of Gazan origin, who do not qualify for citizenship. They received two-year passports valid for travel but which do not connote citizenship. West Bank residents without other travel documentation are eligible to receive five-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 is not transparent and the appeal process virtually nonexistent. Claimants or families filed appeals with the Ministry of Interior, 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 Government asserted that only nonresident Palestinians who sought to renew travel documents, which required proof of residence in the country, have been refused.

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 UN Convention Relating to the Status of Refugees and 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 UN High Commissioner for Refugees (UNHCR) and the UN 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. An April 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 six 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 they feared persecution. However, during the year some Iraqis detained for alleged criminal offenses were returned to Iraq before UNHCR could determine their refugee status.

The UNHCR continued to train law enforcement officials and judges in international refugee law, including instructors from the NCHR, which conducted a course for entry-level government officials during the year. However, in March the UNHCR reported that approximately 200 Palestinians formerly residents of Baghdad were refused entry. In July the UNHCR reported that approximately 200 Iranian refugees formerly resident in a UNHCR camp in Ramadi, Iraq, who had been refused entry in 2005 were again refused entry. It also reported in several instances that it intervened to prevent the deportation of persons issued UNHCR asylum seeker cards.

As of December 31, approximately 1.86 million Palestinian refugees were registered with the UNRWA. The UNRWA and the Government continued to provide assistance to these Palestinian refugees during the year. Approximately 700,000 persons displaced from former Jordanian territories during the 1967 war have been granted nationality. An additional 120,000 persons displaced during the 1967 war

hold temporary residency permits. A further 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. An estimated 500,000 to 700,000 Iraqis were living in the country. Most had not requested refugee status. The Government has 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. In April 2005, however, the Ministry of Interior formally declined UNHCR's request to renew an expired informal Temporary Protection Regime (TPR), which had committed the Government to continue tolerating Iraqis in the country illegally. The lapsed TPR had no basis in the law and conferred no rights on recognized refugees. Despite expiration of the TPR, with few exceptions the Government has continued to tolerate the large number of illegal Iraqis residing in the country. Thousands continued to enter the country each month; however, UNHCR reported that some Iraqis were refused entry into the country. UNHCR also reported that it intervened to prevent the deportation of persons issued UNHCR asylum seeker cards in several instances. Access of Iraqi children to Jordanian public schools varied from cases to case; many schools ran second shifts in order to accommodate Iraqis, while some school administrators declined to admit the children of Iraqis residing in the country illegally.

According to UNHCR figures, during the year, 822 persons, primarily from Iraq, Russia, and Syria, recognized as refugees awaited resettlement. An additional 90 Chechens were allowed to remain indefinitely pending repatriation. By year's end approximately 20,850 persons, primarily Iraqis, were seeking asylum.

The Government also continued to provide temporary protection to recognized refugees formerly resident in a UNHCR camp in Ramadi, Iraq, who fled Iraq in 2003. By mid-December 97 Palestinians, 16 Iraqis and 4 Iranians remained in a UNHCR-managed camp in Ruweished, having relocated there following the Government's closure in May 2005 of a UNHCR reception camp in the "no man's land" between Jordanian and Iraqi frontier posts at the Trebil/Karama crossing. Most Palestinians at the Ruweished camp were expected to depart for resettlement countries by year's end.

According to the International Organization for Migration (IOM) statistics, between January 1 and December 7, the Government granted temporary protection to 340 third country nationals fleeing Iraq en route to Sudan and Nigeria. The Government also facilitated the transit of 692 Iraqis voluntarily returning to Iraq from third-countries, primarily from Europe. IOM verified that all repatriations to Iraq and to third countries were voluntary.

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; establish public policy; and approve the appointment of all mayors.

Elections and Political Participation.—After being appointed 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, in the regent), who exercised his power through his ministers in accordance with the provisions of the constitution. The June 2003 multiparty parliamentary elections were generally considered to be free and fair; however, the election law significantly underrepresented urban areas and some observers considered electoral districting unfair, claiming that it was intended to reduce the representation of areas heavily populated by citizens of Palestinian origin. There were some speculations of fraud. Many observers considered electoral districting unfair because of a lack of balance between the population and the number of seats per district, and claimed that it was intended to reduce the representation of areas heavily populated by Jordanians of Palestinian origin. The law allows voters to choose one candidate in multiple-seat districts. In the largely tribal society, citizens tended to cast their vote for family members. In practice, candidates who lacked tribal credentials generally received fewer votes in tribal districts. The Islamic Action Front boycotted the 2003 municipal elections in all districts outside greater Amman to protest the provisional law on appointing municipal officials.

The election law requires judiciary verification of polling results, and establishes the number of lower house seats at 110 with six reserved for women. 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 over one year in prison are ineligible for election. 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.

Women have the right to vote and were encouraged to vote and be active in the political process. Seven women serve in the senate, six in the Chamber of Deputies, and one in the cabinet. Of the 110 seats in the lower house, the quota provisions reserve nine for Christians and three for either the Circassian or Chechen ethnic minorities.

Citizens of Palestinian origin, estimated to be more than half of the total population, comprised four of the 26 ministers. In parliament, 9 of 55 senators and 18 of 110 lower house deputies were of Palestinian origin. There were no Palestinians in any of the country's 12 governorships. The electoral system gives greater representation to areas that have a majority of inhabitants of non-Palestinian origin.

Four women have been elected to the councils of the country's 11 professional associations. Of these women, three sit on the Nurses and Registered Midwives Syndicate and one on the Jordan Press Association Council. An estimated 31,000 women are registered as members of these associations, representing approximately 23 percent of the membership.

Government Corruption and Transparency.—Corruption is a crime. There was a public perception of corruption in the executive and legislative branches. 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 GID has an anticorruption department.

On November 1, the Financial Disclosure law was published in the official gazette. Under this law, specified government officials must declare their assets in a sealed envelop to the newly formed Financial Disclosure Department of the Ministry of Justice. This envelope will be opened by the Chief Justice in the event of a complaint.

In November the parliament brought charges against former Minister of Municipalities Abdul Razzaaq Thbeshat for corruption. The case involves a 2002 purchase of waste-management vehicles from Germany, which an Audit Bureau later found to be faulty. On December 3, a special committee in Parliament was formed to investigate the allegations. As Thbeshat was an acting minister when the alleged felony took place, he cannot be tried in a regular court. However, four other men implicated in the case were being tried in the Court of First Instance at year's end.

In January 2005 Haider Mahmoud, a respected poet, wrote a thinly-veiled poem to the King warning him of the corruption surrounding him. Mahmoud was vilified in the press as a traitor, and then-prime minister Faisel al-Fayez called for the mayor of Amman to fire Mahmoud from his position as head of the Al Hussein cultural center; Mahmoud resigned. Mahmoud's son also resigned from his job with the Ministry of Foreign Affairs.

In May 2005 MP Ghazi Zaben opened an investigation into awqaf (religious endowments) funding, and into allegations that a former minister of awqaf and Islamic affairs, Ahmad Hilayel, was illegally profiting from travel packages to Mecca for the annual Muslim pilgrimage.

Under a December 4 law an official committee will be established entrusted with combating corruption. The committee will have a free mandate to pursue current and former officials who are suspected of being involved in corrupt activities. The law also states that this body will be autonomous and its officials immune from prosecution.

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.

Section 4. Governmental Attitude 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, investigating and publishing their findings on human rights cases alleging torture and other abuses committed by the se-

curity forces. Within these limits government officials were cooperative and responsive to their views. The Press and Publications Law removed restrictions on the publication of information about the military and security forces, which had prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security forces; however, similar restrictions still exist in the penal code and other laws (see section 2.a.).

The NCHR's activities, which began in 2003, included training government and international organization personnel on human rights standards and conditions in the country and collection and analysis of citizens' complaints. The Government cooperated with and funded the center; some human rights activists complained that it was too influenced by the Government. On May 21, the NCHR issued its second annual report on the state of human rights in the country, covering 2005. According to the NCHR, it continued to face legal hindrances which impinge on the Center's "moral and financial privileges" necessary for its work. The 2005 report also stated that the Government's response to the 2004 discussion of legislation on the right to associate and the freedom of expression was negative. In the 2005 57-page report, the NCHR ranked the country "good" at the planning and policy level; "acceptable" in economic, social, and cultural rights; and "poor" in civil and political rights. A ministerial committee was formed after the report's release to study the report and formulate a response. At year's end the committee had met but had not yet produced a response.

There were eight PSD human rights complaints offices in each of its eight regional directorates. Persons charging police misconduct may submit complaints to the relevant office. Plaintiffs may file compensation claims for damages, and convicted officers reportedly also were subject to disciplinary action. During the year citizens filed 425 complaints against PSD personnel.

The Government generally cooperated with international NGOs, but human rights observers claimed that they were unable to meet with some security detainees because they were held incommunicado. The ICRC was permitted full access to all detainees and prisoners, including those held by the GID and the military intelligence directorate (see section 1.c.). The Government did not respond to HRW requests to allow its researcher to investigate torture. Some high level officials did meet with HRW after the release of their report, Suspicious Sweeps.

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 some 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 (see section 1.e.). Violence and abuse against women continued, although the full extent of the problem was difficult to determine. 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.

Abused women have the right to file a complaint in court against their spouses for physical abuse; however, in practice familial and societal pressures discouraged them from seeking legal remedies. Marital rape is not illegal. NGOs such as the Jordanian Women's Union, which had a telephone hotline for victims of domestic violence, provided assistance in such matters. The Family Protection Unit of the Public Security Directorate also offered a comprehensive support program for victims of domestic violence and sexual assault. During the year the PSD reported 644 cases of sexual assault and 141 cases of domestic violence. Spousal abuse is technically grounds for divorce, but a husband may seek to demonstrate that he has religious authority to strike his wife.

On May 30, the Communication Partnership for Family Health (CPFH), in coordination with the Ministry of Health and Tulane University, published results of a survey of 1,847 households regarding attitudes towards domestic violence. The study revealed that 40 percent of men and 53 percent of women believed that wife beating was acceptable under certain circumstances.

Authorities prosecuted all 18 reported instances of honor crimes that resulted in death of the victim. These killings derive from customary notions of family honor among some communities, both Muslim and Christian. According to women's rights activists, there was evidence of a societal trend toward condemnation of honor crimes. The police regularly placed potential victims of honor crimes in protective

custody. Activists estimated that at year's end more than 25 women were in protective custody. At least one NGO was working in conjunction with the Government to establish a shelter where the women could live in relative anonymity as an alternate to protective custody.

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. Article 340 of the penal code provides for lenient treatment in cases where the accused personally witnessed the victim of an honor crime engaging in sexual relations or in bed with a nonspouse. Article 98 of the penal code specifically states that "an extenuating justification can be invoked by anyone who commits a crime in a fit of rage as a result of an unrightful and dangerous act carried out by [the] victim," and, as a result, may significantly reduce penalties for murder. Although the defendants are almost universally found guilty, a successful article 98 defense results in the defendants receiving token sentences.

For example, on January 4, a woman was allegedly shot by her brother after her family threatened her life for reasons of family honor. The woman survived and her brother was taken into custody and charged with attempted murder.

In June a brother allegedly shot his sister to death after an argument over her alleged "immoral behavior". He was charged with premeditated murder and detained for 14 days before being released on bail. His case is still pending.

On October 24 in Madaba, a man allegedly shot and stabbed his 31 year old sister because of her "bad conduct". He turned himself into the police, who arrested and detained him.

In a widely reported case, two brothers were convicted of murdering their pregnant sister. The woman had become pregnant out of wedlock with an Egyptian man. She confronted her family with the pregnancy and received her father's blessing to marry in Egypt. Upon her return to the country to give birth, her brothers killed her and her unborn child.

By invoking Article 98, the charges for honor crimes are often reduced from premeditated murder to manslaughter. Most men convicted of an 'honor crimes' were given no more than 6 month prison sentences. The most common perpetrator is often a father or brother of a woman who acquires a gun and shoots the women to death to restore the family honor. Pregnant women have been killed, along with unborn children. The perpetrators may receive minimal punishments.

According to the law, sexual harassment is strictly prohibited and subject to criminal penalties including fines and imprisonment. Prostitution is illegal. 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. Men were able to divorce their spouses more easily than women, although a provisional law introduced in 2002, which was in effect at year's end, permitted women to initiate divorce on any grounds, provided they give up the financial settlement normally granted in divorce cases. 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 there is a burden of proof that the women must overcome (see section 2.c.). Special courts for each denomination adjudicate marriage and divorce matters for Christians (see section 2.c.). During the year, there were 25 female judges, an increase of six from 2004.

The 2003 Passport Law states that women and their minor children have the right to obtain passports without the written permission of their husbands (see section 2.d.). 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 Palestinian origin. Furthermore 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 still 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. Nonetheless, women had employment opportunities in many professions, including government, engineering, medicine, education, the military, and law. Women's groups stressed that the problem of discrimination was not only one of law but also of women's lack of awareness of their rights or unwillingness to assert them. A professional women's association, the royal family, and the Government promoted improvements for women's civil and economic life. Official figures at year's end show that 48 percent of students enrolled in higher education institutions were female, and in some disciplines, women comprised 80 percent of the student body.

At year's end, while unemployment for the population as a whole reached 15.4 percent, for women the number was 31.4 percent.

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 six through 16; however, no legislation exists to enforce the law or punish guardians for violating it, and absence from school goes without penalty. A student may be absent from school for up to two years and the Ministry of Education will still allow the student to return to school. Public education was free from age six through completion of high school (age 18). The overall school attendance and total secondary school attendance rates remained at 92 percent. Several domestic and foreign religious groups operated private schools throughout the country. Since 1999 the Government denied Iraqi children admittance to public schools unless they were legal residents of the country or recognized as refugees by the UNHCR. In September the MOI decided to bar enrollment of Iraqi children at private schools in the country unless their parents have residency permits; however, in practice most are allowed to attend. (see section 2.d.).

The Government attempted to address the issues of educational development and quality and the relevance of education to job-market demand. The Government did not charge tuition for public education, and it 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 children had access to government-subsidized public clinics, which offer 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, provided temporary shelter, medical care, and rehabilitation for abused children age six to 12. At year's end, approximately 25 children were residing temporarily in the shelter.

During the year authorities received complaints of 59 cases of physical abuse and 475 cases of sexual abuse of children (a decrease from 2005). The law specifies punishment for abuses against children. Conviction for rape or sodomy of a child under 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 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 male, is most times significantly older than the 15-year-old. The Government attempted to safeguard some other children's rights, especially regarding child labor (see section 6.d.). Although the law prohibits most children under the age of 16 from working, child vendors worked on the streets of Amman. Economic conditions and social disruption have caused the number of these children to increase over the last 10 years.

Trafficking in Persons.—The law prohibits trafficking in children; however, it does not specifically prohibit trafficking in other persons and there were reports that persons were trafficked to Jordan primarily from Bangladesh, China, India, Sri Lanka, and Pakistan to work in the Qualified Industrial Zones (QIZs), according to a report released by the National Labor Committee, an American NGO (see section 6.e.) Other criminal statutes prohibit slavery and indentured servitude.

Since August the Government has undertaken a cooperative program with the UN Development Fund for Women (UNIFEM) to raise foreign domestic workers'(FDW) awareness of protections and rights under the law.

On May 14 the Ministry of Labor (MOL) opened a new directorate specifically to address the needs of the approximately 70,000 FDWs. In addition to sponsoring stricter legislation regulating the recruitment and hiring measures used by the recruitment agencies, the MOL also established a 24-hour telephone hotline that FDWs could call to report abuses. Further, the Ministry produced booklets on the FDWs' rights, published in their own languages and distributed them to the workers when they arrived in Jordan. Regular announcements in local newspapers advise employers of their responsibilities towards their domestic help.

In the past, reports have alleged that workers suffered abuses that amounted to human trafficking, including nonpayment of wages, excessive hours, and withholding of passports. In 2005 the Human Rights Directorate of the Foreign Ministry created the position of Deputy Director of Trafficking issues.

Persons With Disabilities.—The law provides persons with disabilities equal rights and there were no reports of discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services.

The law mandates that companies reserve 2 percent of their positions for people with disabilities. According to education officials, there are 4,000 blind teachers currently employed. The law further focuses on accessibility measures and individual support. This includes infrastructure modifications on new buildings and roads. The Government generally enforced these provisions, although many private and public office buildings still have limited or no access for persons with disabilities. High unemployment restricts job opportunities for persons with disabilities, who officially numbered 220,000 although UN estimates placed the number closer to 500,000. Thirteen percent of citizens with disabilities received monetary assistance from the Government. A Special Building Code Department was established in 1997, to oversee the retrofitting of existing buildings to make them accessible to disabled persons.

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 then-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, many citizens of Palestinian origin have had their Jordanian national numbers revoked at the whim of the interior ministry employees. Others claimed that their temporary passports have been confiscated after spending time in the West Bank. Human rights activists claim glass ceilings inhibit Palestinians from receiving appointments to many senior positions in the Government and the military, as does a quota system for admittance to public universities and the granting of university scholarships. Citizens of Palestinian origin complain of under-representation in parliament (see section 2.d.).

During the year there were reports of societal discrimination against Iraqis living in the country. According to a December 7 UN Integrated Regional Information Networks report, the number of reports of discrimination against Iraqis living in the country rose following the Amman hotel suicide bomb attacks in November 2005 (see section 1.d.). The Iraqi Association for Nationals Living in Jordan received hundreds of complaints from Iraqis living in Amman of discrimination in the streets, in shops, and in public places. Several beatings of Iraqis were reported in the days immediately following the bombings.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals existed. There are no laws that addressed discrimination against homosexuals.

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 without excessive requirements; in practice the Government allowed unions in these sectors. Unions must be registered to be legal. The

labor law limits membership to citizens, effectively excluding the country's more than 218,000 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 the Solidarity Center, a global NGO, put the actual number closer to 10 to 15 percent, the number approaches 30 percent when the professional associations are included 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 five-year terms, when elections actually take place. More often than not, the number of candidates equals the number of seats. Members have three days to file a nomination application, which is reviewed by the union. Elections are only held if there are more candidates than seats. In recent election cycles, when the number of candidates exceeded the number of seats, some candidates were persuaded to withdraw. The Government monitors the elections in the event of a complaint to ensure compliance with the law.

The constitution prohibits anti-union discrimination, but the International Confederation of Free Trade Unions (ICFTU) claimed in late 2005 that the Government did not protect adequately employees from anti-union discrimination. Workers may lodge complaints of anti-union discrimination with the MOL, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of anti-union discrimination lodged with the MOL during the year.

b. The Right To Organize and Bargain Collectively.—Unions have and exercise the right to bargain collectively. Labor laws mandate that workers must obtain government permission to strike. 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. 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. There are no special laws or exemptions from regular labor laws in export processing zones.

Many of the workers in the QIZs are non-Jordanians. As a result, under the current labor law, they are not permitted to form or participate in unions.

On February 16, 230 employees from Magnesia Jordan held a sit-in before the MOL to protest the fact that they were not transferred to the Arab Potash Company after Magnesia Jordan halted production. On March 9, the employees held another sit-in before the Prime Ministry to protest nonreceipt of wages for over three months.

On March 10, over 3,500 workers at the Jordan Petroleum Refinery Company went on strike demanding the resignation of the JPRC Board of Directors. They also demanded improved working conditions. Their salaries were raised but the Board of Directors remained in place.

On September 28, 1,000 Bengali workers in a textile factory in ad-Dulayl staged a strike over the imposition of long and unpaid overtime hours by the factory manager. On October 1, 1,400 workers at two other factories also went on strike over unpaid wages.

On October 1, workers at the Rainbow Textile Factory in ad-Dulayl went on strike to protest an MOL decision to deport six workers who were thought to be "troublemakers". On October 5, the MOL reversed its decision and let the workers stay in the country.

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 female, were subject to coercion and abuse and, in some cases, worked under conditions that amounted to forced labor (see section 6.e.). Also, some workers in the QIZs were allegedly forced to work without wages, amounting to indentured servitude. 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.—Labor law forbids children under the age of 16 from being employed, except as apprentices; however, there were reports of child labor throughout the country, mostly in urbanized areas. Children under the age of 18 may not work for more than six hours continuously between the hours of 8 p.m. and 6 a.m., or during weekends, religious celebra-

tions, 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). The fine is doubled if the offense is repeated. The Government, however, provided little training on child labor to the 72 MOL inspectors responsible for enforcing the relevant laws. When investigating child labor, inspectors generally acted to ameliorate the situation of the involved families, including directing some adult family members toward job training programs. In the past some government officials claimed that if children were barred from working, they would lose important income, on which their families depended, and might turn to more serious activities, such as drug trafficking and prostitution, for income.

The MOL's Child Labor Unit (CLU) received, investigated, and addressed child labor complaints (although it has no formal mechanism for doing so) and coordinated government action regarding child labor. The CLU received less than 40 complaints this year. Anecdotal evidence suggested that child labor, especially of street vendors, was more prevalent during the year than it was 10 years ago. Despite the difficulty in accurately measuring the extent of child labor, child labor was particularly noticeable in big cities, where children work in mechanical workshops or as peddlers at traffic lights. A 2002 official study estimated that 32 thousand children were working.

The law does not specifically prohibit forced or bonded labor by children; however, such practices were not known to occur (see section 6.c.).

e. Acceptable Conditions of Work.—On June 1, the Government increased the national minimum wage by 5.7 percent, from $127 to $154 (95 to 110 dinars) per month, to become effective July, 2007. The minimum wage applies to all workers except domestic servants, those working in small family businesses, those in the agricultural sector, and those in the QIZs. Inspectors from the MOL enforced the minimum wage, but due to limited resources were unable to ensure 100 percent 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.

The law requires overtime pay for hours worked in excess of the standard work week, which generally is 48 hours. Workers may not work more than 10 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to one day off per week. Labor law does not apply to small family businesses, domestic servants, and nonprofessional and non-technical workers in the agriculture sector. However, it does apply to citizens 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. 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 approximately 200,000 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 the Government and independent surveys, approximately 30,000 of these workers were employed in the QIZs. Foreign workers in the QIZs were recruited through a vetted process involving registered recruitment agencies.

The May report by the American NGO, the National Labor Committee (NLC), brought the QIZs under international scrutiny, as the NLC claimed that foreign workers were subject to conditions that amounted to human trafficking (see section 5). In response the Government conducted immediate inspections and closed some factories that were found to be in violation of internationally recognized labor standards. Workers from these factories were moved to factories with standards that met the guidelines set forth by the ILO. At year's end 10 factories had been closed, of which 2 were subsequently re-opened after complying with updated government standards. Many workers were moved from non-compliant factories to factories that the Government had recently identified as complying with updated standards. However, at year's end a number of factories continued to violate international standards. Additionally, on September 17, the Cabinet exempted 2,300 QIZ workers who had been moved from one factory to another from the fines associated with that move, as well as the fines that accumulated for remaining in the country after their

work permits have expired. The total estimated value of these fines is 1.2 million Jordanian Dinars.

Abuse of domestic servants, most of whom were foreign, was widespread, although not thoroughly documented. Employers routinely limited their domestic employees' freedom of movement, and often illegally confiscated travel documents. Victims, who feared losing their employment and being returned to their home country, generally did not report complaints to government officials. In May in cooperation with UNIFEM and several source country embassies, the Government also introduced a new standard work contract with greater protections that applied to all FDWs arriving since July 2003.

KUWAIT

Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family, with a population of approximately three million, of whom approximately one million are citizens. On January 29, Sheikh Sabah Al-Ahmad Al-Sabah became the emir following the January 15 death of Sheikh Jabir Al-Ahmad Al-Sabah. The 1962 constitution grants the emir executive authority and authorizes the emir to appoint a Crown Prince as well as 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 two months. While not technically illegal, the Government effectively barred political parties in practice. Although there were reports of vote-buying by the Government and certain candidates, the June 29 parliamentary elections were considered generally free and fair by local observers and the press. Unlike in previous years, civilian authorities generally maintained effective control of the security forces.

During the year the main human rights abuses included: no right to change the Government or to form political parties; unlawful deprivation of life; maltreatment in prisons, including abuse of detainees; incomplete independence of the judiciary; restricted freedoms of speech, press, assembly, association, and religion; limits on freedom of movement for certain groups of people; corruption; and trafficking in persons. Serious human rights problems also included the difficult conditions faced by expatriate workers in the domestic and unskilled service sectors, the unresolved status of stateless Arab residents (bidoon), and the unequal rights of women.

During the year, women voted and ran for office for the first time in the country's history. The Government also passed a new press and publications law that may enhance freedom of speech.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—As in 2005, there were reports that the Government or its agents committed arbitrary or unlawful killings. In November a Pakistani who was taken into custody reportedly called his family to say that he was being beaten. He died in police custody shortly thereafter. In October an Asian man arrested on drug charges died in police custody. The Ministry of Interior (MOI) ordered an investigation into the incident.

There were no updates on the February 2005 case of Amer Khlaif al-Enezi, who died in custody after his 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 have been 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 such practices; 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, than on citizens. 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 either the findings of its investigations or punishments it imposed public.

Unlike in previous years, there were no reports of alleged torture during interrogation during the year.

In February 2005 a citizen journalist claimed security officers beat him with sticks after he was arrested in January 2005 on charges of spreading news that harmed the national interest (see section 2.a.). In May 2005 six Islamic militants, whose leader died in custody (see section 1.a.), suspected of engaging in deadly gun battles with security forces, alleged they had been tortured and abused, including beatings to their backs and on their feet, while in police custody. In September 2005, a court-appointed, independent medical commission confirmed that the suspects had scars from beatings; however, it did not indicate the presumed cause or estimated date of the injuries. There were no public developments in the case by year's end.

In March news sources reported that a police sergeant raped a Filipina woman, and that the policeman was remanded into custody pending results of an investigation.

In 2004 three policemen were arrested for allegedly raping a female domestic employee of Asian origin at a police station and at another location. Police launched an investigation; however, there were no public developments at year's end.

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 April 2005 report, the National Assembly's Human Rights Defense Committee (HRDC) 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 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 two months, on average, awaiting deportation. Some were held there for much longer periods, often due to delays in the court system or bureaucracy.

The Ministry of Awqaf and Islamic Affairs (MAIA) offered job skills and societal values training to inmates, and the Social Reform Society, an Islamist nongovernmental organization (NGO), provided drug rehabilitation programs for incarcerated Muslim addicts. Other NGOs, such as the Social Work Society, and religious leaders were allowed to run programs and visit prisoners.

The Government permitted visits by independent human rights observers. In previous years, the International Committee of the Red Cross (ICRC) had standard access to inmates in some categories, such as: Iraqi prisoners of war, bidoon (Arabic for "without" meaning "without citizenship") (see section 5), citizens of states without diplomatic relations with the country, and a returned citizen detainee from Guantanamo (see section 4). During the year the Government did not prevent the ICRC, which maintains an office in the country, access to inmates. However, due to internal problems, the ICRC did not carry out prisoner monitoring during the year.

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 (see section 1.f.), although in misdemeanor cases or if the police are in hot pursuit the arresting officer may issue them. There were credible reports of police arresting and detaining foreigners without a warrant, based on accusation by a third party.

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 MOI. The military is responsible for external security.

Overall, the police are effective in carrying out their core responsibilities. For instance, in October and November, they carried out a series of highly publicized raids to crack down on prostitution rings. However, there were 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 (see section 1.c.). In April the HRDC demanded an answer from the interior minister as to what action had been taken against Criminal Investigation Department employees who allegedly tortured another MOI employee to pressure him to drop a case against a police officer. 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 four days without charge, during which time 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 four-day waiting period.

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 issued an amnesty to 850 prisoners in February, some of whom were freed outright while others had their sentences reduced. The prisoners consisted of men and women, both citizens and noncitizens.

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 of the judges were noncitizens who held one- to three-year renewable contracts. The Ministry of Justice (MOJ) may remove judges for cause but rarely does so. 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 in 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. Virtually all indigent criminal defendants asked for and received free counsel, totaling approximately 15 referrals per day. Very few indigent civil and commercial plaintiffs requested this service. The law affords these protections to all citizens. Once the case went to trial, defendants and their attorneys had access to government-held evidence relevant to their cases.

Political Prisoners and Detainees.—There were no 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. Individuals can bring suits against other individuals for a wide array of offenses. Administrative punishments in civil matters are available, such as bans on sponsoring foreign workers if the Government has evidence that a sponsor has violated the law. However, there were widespread, reliable reports that it was extremely difficult for those who have been awarded monetary compensation in courts to collect their 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 warrant if alcohol or narcotics are suspected on the premises or if police are in pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the state prosecutor or, in the case of searches of private property, from a judge (see section 1.d.). 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 (see section 2.c.).

When a bidoon resident applied for citizenship, the Government generally considered any 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"; however, the Government restricted these rights in practice, and journalists and publishers practiced self-censorship.

Individuals were able to criticize the Government freely in private and in informal gatherings. Individuals were able to criticize the Government in public gatherings as well, 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 country had five Arabic and three English-language daily newspapers, all of which were privately owned. The Government owned nine local radio and four television stations. A private satellite television news channel, Al-Rai, was affiliated with its sister company, Al-Rai Al-Aam newspaper. International media outlets operated bureaus in the country. In May 2005 the Government permitted Qatar-based Al-Jazeera to reopen its office after having closed the operation in 2002 for the channel's "hostile" stance toward the country and for security reasons.

A large contingent of international media representatives generally covered the June 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.

Unlike in 2005 there were no reports of security forces arresting journalists during the year. Journalists practiced self-censorship, although the Government ended legal prepublication censorship in 1992.

On March 6, parliament passed a new press and publications law, which most observers predicted would ease the process of licensing new newspapers and which moved some of the regulatory control of print media from the Ministry of Information to the courts. At the same time, the law kept many of the old law's prohibitions.

The law prohibits the publication of material that criticizes Islam, the emir, the constitution, or the neutrality of the courts or public prosecution. It also forbids incitement to acts that will offend public morality. Revealing information about 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 people or groups is also against the press and publications law. Depending on which provision of the law is broken, punishments range from one 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 also, including confiscation, closure, and withdrawal of licenses. Previously the minister of information imposed these

punishments. 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 requires jail terms for journalists who defame religion (see section 2.c.). The law provides that any Muslim citizen may file criminal charges against an author whom a citizen believes to have defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

Two journalists were jailed because of articles they wrote in daily newspapers. On May 15, Hamid Buyabis was imprisoned for having quoted direct criticism of the emir. On November 20, Khalid Obaysan al-Mutairi was imprisoned for writing an article that seemed to support Saddam Hussein as the legitimate leader of Iraq. Both journalists were released after only a day in jail. On November 18, a journalist was found guilty under the new press and publications law of questioning the independence of the jury. She was given a three-month suspended sentence and three years' probation. Numerous law suits were filed by citizens and government officials against local newspapers. 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 publications deemed morally offensive. The MOI censored media for political content and did not grant licenses to political magazines. The MOI controlled the publication and distribution of all informational materials.

According to the new 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 three months in the case of a daily newspaper or six 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.

The MOI's Technical Compilations Department-Cinema Censorship Section censored movies shown in theaters based on objectionable content such as sexual scenes, including kissing; extreme violence; and profanity.

Internet Freedom.—Ministry of Communications officials reported in October that there were some 200,000 Internet subscribers and that the total number of users was approximately 700,000. Since 2005 the Ministry of Communications (MOC) has blocked Web sites that the Government considered to "incite terrorism and instability." The Government required Internet service providers to block some political sites and Web pages 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.

During the year the Government blocked several Web sites. For example, it closed down a citizen's website that had criticized the emir.

Academic Freedom and Cultural Events.—The law provides for freedom of opinion and of research; however, academic freedom was limited by self censorship, and academics were legally prohibited from criticizing the emir or Islam. On April 24, an opposition journalist was prevented by the Government from delivering a talk on a university campus with no explanation.

The Ministry of Information reserved the right to approve or reject public events. It rejected events if it deems the political or moral character of the event 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 displayed increased hesitance to host musical functions because of what they perceived as a rise in the power of cultural conservatives. The Ministry of Education (MOE) canceled all graduation parties and high school dances because it deemed a singer's performance at one such party inappropriate.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly. A 1979 law on public gatherings restricted 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. On May 1, 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. Gathering organizers still must 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 events. The diwaniya system provided an important forum for public debate on

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.

There were orderly public demonstrations during the year, and the police either did not intervene or acted appropriately to contain the demonstrations. In July and August, several demonstrations protested Israel's actions in Lebanon. The police maintained order and responded appropriately, including during one incident when protesters crossed police barriers. Throughout the year numerous peaceful demonstrations took place in front of the National Assembly and in other prominent places to support reducing the number of electoral districts. There were no serious violent incidents or cases of inappropriate intervention by the police during these events.

Freedom of Association.—The law provides for freedom of association; however, the Government restricted this right in practice. The law prohibits associations from engaging in political activities. The Government refused to recognize political parties; however, several unofficial parliamentary blocs existed and were active in the National Assembly (see section 3).

The Government used its power to license associations as a means of political control. There were 72 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) licensed seven NGOs during the year compared with 19 the year before and only one in 2004. There were 149 NGOs pending licensing by the MOSAL; many had 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. Newly licensed NGOs, however, 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 (see sections 2.d. and 4).

There were hundreds of 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 much more difficulty operating than Muslim ones. Shi'a faced some disadvantages in comparison with Sunnis.

The MAIA has official responsibility for overseeing 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.

Most Christian groups have found it impossible to build new churches to serve the ever-growing community of expatriate Christians in the country—who number over 300,000. The Greek Catholic (Melkite) Church went through a protracted strug-

gle with the Municipal Council to secure a piece of land on which to build a new church. After it received an initial offer in December 2005, the Municipal Council eventually denied its request on July 8. 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.

Shi'a complained of the difficulty of obtaining licenses for mosques. Whereas Shi'as 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 said that it will license and pay for Shi'a mosques, but also wants to control the religious donations paid by Shi'as. Shi'as have 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. Shi'a Muslims have not been able to set up an institution for training clergy.

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 it was assured that no Muslim students were taking part in the education. The Government did not try to 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.

One church petitioned the Government to license its school. After going through a two-year process in which the school passed all the technical requirements for licensing, the Municipal Council blocked its request on April 5. Credible reports of the Committee's discussion of the school made clear that the decision not to accredit the school was religiously based.

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 operated within the Christian compounds.

In April the Government banned 18 books from being displayed 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.

Bidoon Arabs faced difficulty in obtaining travel documents, which made it difficult for them to participate in the hajj (pilgrimage). The Government declared that it would facilitate the obtaining of travel documents by bidoon, but whether these declarations had a tangible effect remained unclear. The Government announced it would allow 1,250 bidoon to make the hajj, but in November it declared that Saudi Arabia had reduced the number it would allow to 500.

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.

By law a non-Muslim man must convert to Islam when he marries a Muslim woman. The law forbids marriage between Muslim women and non Muslim men (see section 1.f.). 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 to be naturalized.

Societal Abuses and Discrimination.—Shi'a were free to worship without government interference; however, the Shi'a minority remained disadvantaged in the pro-

vision 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 MOE reviewed a Shi'a proposal to establish a private college to train Shi'a clerics in the country rather than in Iran, Iraq, or Syria; however, no action had been taken by year's end. In January 2005 a Shi'a leader called on the MOE to remove references declaring Shi'a as nonbelievers from high school Islamic education textbooks, which are based on the Sunni interpretation of Islam. A parliamentary committee was formed to look into the issue but no action was taken by year's end.

During the year the Government did not provide permits for Shi'a to reenact the martyrdom of Husayn, the Prophet Muhammad's grandson, on the occasion of Ashura. However, the Government did not interfere with reenactments and provided police protection for Shi'a celebrations and marches. This was a change from the previous year when the Government provided police protection for Ashura celebrations but did not permit martyrdom reenactments. In 2004, the Government allowed Shi'a to reenact the martyrdom of Husayn and provided police protection.

While discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. Sunni-Shi'a relations are good overall and while tensions from regional conflicts led to increased attention to the issue, few if any tangible problems resulted. However, 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.

A few Muslim converts to Christianity reported 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.

The law prohibits organized religious education for religious groups other than Islam, although this law was not enforced rigidly. Informal religious instruction occurred inside private homes and on church compounds without government interference; however, there were reports that government inspectors from the Ministry of Awqaf and Islamic Affairs periodically visited public and private schools outside of church compounds to ensure that religious teaching other than Islam did not take place.

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 did occur. 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 expatriates. There had been past examples of anti-Semitic rhetoric in government-sponsored education curricula, specifically in reference to the Arab-Israeli conflict.

The MAIA promoted its "moderation" project, which aims to discourage extremism among Muslims and improve the image of Muslims among non-Muslims. The moderation project's activities during the year included conferences in the country and abroad, as well as training throughout the year for imams. Special moderation activities were also carried out by the Government in some secondary schools.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government placed some limits on freedom of movement in practice. Citizens have the right to travel freely within the country and to change their residence and workplace as desired.

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. In practice, however, many travel bans were issued without court order, effectively preventing citizens and foreigners from departing.

All minor 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 citizen employers routinely confiscated the travel documents of foreign employees, forcing them to remain in the country against their will. No government effort prevented employers from engaging in this practice.

Members of licensed NGOs must obtain government approval to attend international conferences as NGO representatives (see sections 2.b. and 4). The Government severely restricted the ability of its bidoon population to travel abroad (see section 5). However, the Government permitted some bidoon to travel to Saudi Arabia during the year for the annual hajj. In accordance with the law, the MOI issued limited numbers of bidoon a single-use passport for hajj travel.

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.

Bidoon residents who were able to obtain travel documents surrendered these documents on their return to the country from abroad. Once they wished to travel again outside the country, they had to obtain permission from the MOI to collect their passports.

The law says that the state "grants" citizenship, rather than citizens inherently having a right to it. Therefore, the state can revoke citizenship as well. Furthermore, the law states that issues of citizenship cannot be appealed to a court of law. In practice revocation did not occur during the year and in the past occurred very infrequently, and only in political cases.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status, 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 they feared persecution. The Government did not grant refugee status or asylum. The law 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 UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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.

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." However, citizens did not have the right to change their government. 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. On January 24, 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 who presides over a 16-member cabinet (Council of Ministers), whom the Prime Minister chooses in consultation with 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. 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 four-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 inquiries, known as "grillings," when MPs are dissatisfied with a ministry's performance. In the past pressure exerted by the National Assembly, including through votes of no confidence, led to the resignation or removal of ministers. On December 18, the parliament was scheduled to grill the Minister of Information, who resigned at the last minute rather than enduring the ordeal.

Elections and Political Participation.—On May 21, 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 two 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 29 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 elections during the year. There were no political parties, and 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. Citizens from most branches of the military and police were also barred from voting, a primary reason for the large discrepancy between the number of male and female voters. The electorate consisted of 340,248 citizens, 57 percent of whom were women. A total 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. Women were registered to vote automatically, therefore all eligible women voters were registered.

Thirty-two female candidates entered the race. A number withdrew for various reasons (as did many male candidates), but 27 remained on the ballot. None won a seat in parliament. Elections had been previously scheduled for the fall of 2007. The change in dates meant candidates had one month to organize their campaigns. Many cited this as a factor that disadvantaged 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 more attention than they might otherwise have received. 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 4 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 four-year term, is composed of 16 members, 10 popularly elected and six appointed by the Government. It wields extensive power in the country because 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 pre-election 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, though 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 June elections, there were 25 electoral districts and the top two finishers in each constitu-

ency were elected in single-round balloting. On July 17, 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 will choose up to four candidates and the top 10 vote getters from each district will win seats in parliament.

In January 2005, Salafi Islamist leaders, an opposition faction, held a press conference announcing the establishment of a political party, Hizb al-Ummah (The Nation's Party). In February 2005 in response to the group's pronouncement, the public prosecutor charged all the party's leaders with plotting to overthrow the Government and violating association and press laws, crimes carrying a maximum sentence of 15 years in prison. On May 1, the Court of Cassation nullified the public gatherings law, and the party's leaders were acquitted of the charges stemming from that law.

The two women on the Municipal Council were appointed in June 2005. On July 10, the Prime Minister appointed Maasouma al-Mubarak as minister of communications. She became the first female minister in June 2005 when she was appointed minister of planning and minister of state for administrative development. Women also held some relatively senior nonpolitical positions within certain ministries.

Minister of Communications al-Mubarak is one of two Shi'as represented in the 16-member cabinet appointed in July, which is 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.—During the year corruption at the national level by citizens and noncitizens was a problem. There was widespread perception of corruption in the executive, legislative, and, to a lesser extent, judicial branches. Combating corruption was the main theme of the June parliamentary elections.

MOSAL, which issues permits necessary for many business projects such as importing foreign workers, forbade candidates from getting permits, fearing that they would be used as favors to be distributed in exchange for votes. On July 17, the National Assembly reduced the number of electoral districts because the large number of small districts led to widespread complaints that MPs were able to buy enough votes to stay in parliament and that their positions in parliament allowed them access to lucrative financial opportunities. 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 who were illegally importing workers.

In March the Government granted a license to the Kuwait Transparency Society, an NGO focused on combating corruption. In February, a coalition of 11 local NGOs formed the Transparency and Reform Alliance, which promised to fight corruption.

The law provides for public access to unclassified government information by citizens and noncitizens alike. The Government enforced this law.

Section 4. Governmental Attitude 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 in the past, sporadically published a magazine, and met with senior government officials. The KSFHR came into existence in 2005. It aims 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, 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.

The Government has cooperated fully in the work of the UN 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, but none visited during the year except the International Labor Organization's (ILO) Regional Director for Arab States. The ILO operated a local office in the country. In July the Arab Labor Organization visited the country and criticized the Government for insufficient protection of child workers, noting concerns about working hours, safety, and remuneration.

The National Assembly's Human Rights Defense Committee is an advisory body. Its work was disrupted by other political events during the year. However, on July 15, it established for the first time an expatriate workers' affairs subcommittee.

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.—Violence against women continued to be a serious and overlooked problem. 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 capital. 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. 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.

The law provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from public employment. However, rape and sexual assault remained serious problems, particularly for domestic servants and other foreign workers. Local newspapers highlighted numerous rape and sexual assault incidents during the year, mostly against female expatriates.

The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. Victims reported that some police stations and hospitals handled their cases in a professional way, but that many did not. No new developments in the 2005 cases of alleged rape of two female medical personnel and a foreign maid were made public.

Honor crimes are prohibited; however, article 153 of the penal code reduces penalties for these crimes to misdemeanors. The maximum sentence is three years in prison. During the year there were at least three reported cases of honor crimes. The perpetrators of two of the three crimes were convicted and given prison sentences. The criminal court pursued a case during the year against three brothers who were charged several years previously with killing their sister because of their suspicions about her behavior. The case was still pending at year's end. The courts sentenced two men to seven and 10 years, respectively, for killing their daughters.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. Prostitutes generally were deported 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 (see section 5, Trafficking).

The country is a destination for trafficked women, and instances of trafficking were reported during the year (see section 5, Trafficking).

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.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage (see sections 1.e., 1.f., 2.d., and 2.c.). Inheritance is governed by Shari'a, which differs according to the branch of Islam. 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 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. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 40 percent of female citizens of working age were employed. A few women have been appointed to senior positions in the Government and the state-owned Kuwait Petroleum Corporation, including one female minister and two municipal council members.

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 $684 (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.

Polygamy is legal but more common among tribal elements of the population.

Children.—The Government is generally committed to the rights and welfare of citizen children for whom education is free through the university level. Primary and secondary education are compulsory and universal. The MOE estimated primary enrollment at 89 percent for the 2004–05 academic year. Both boys and girls had equal access to the same quality of 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 but would not dispense them to noncitizens. 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.

Citizen girls younger than 15, the legal age, 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.

Underage Asian girls worked as domestic servants (see section 6.d.).

In October 2005, the Government banned the use of underage camel jockeys. Unlike in the previous year, there were no credible reports of underage camel jockeys during the year.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to the country. Laws against coercion, forced labor, kidnapping, prostitution, rape, slavery, and other acts can be used to prosecute trafficking crimes. In March the parliament ratified the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons. On October 1, 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 and the Domestic Workers Agency (DWA) can also apply administrative punishments—such as a ban on employment of domestic workers—on those who violate the contract.

Trafficking is a serious problem. Victims were trafficked primarily from South and East Asia—especially India, Pakistan, Sri Lanka, Bangladesh, the Philippines, and Indonesia—although smaller numbers from other countries such as Ethiopia and Eritrea also reportedly were trafficked.

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 cases involved female domestic laborers, but uneducated workers in unskilled service jobs were also victims of trafficking. There were reports of foreign workers under age 18 being 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 physical or sexual abuse of foreign women working as domestic servants was a 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.

The principal traffickers were labor recruitment agencies and sponsors (employers) of foreign workers. Both citizens and noncitizens were involved in trafficking. Officials reported that foreign embassies were involved in hiring out the workers who came to embassy shelters because they were being harassed or were not receiving their salaries.

The primary method used to obtain and transport victims was employers offering valid contracts to workers and then not honoring those contracts. There were reports that workers were given new contracts at lower salaries than the ones 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, making it difficult for them to travel; employees often paid exorbitant sums to come to the country and were in so much debt that they could not afford to return home; 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 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 for rape. During the year the courts made a number of convictions for crimes clearly related to trafficking: 258 people were convicted of importing workers without providing them with work, and there were 276 convictions 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 Government put more emphasis on trying to resolve conflicts through mediation rather than prosecution. The 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. As of October 1, with the implementation of the new standardized domestic labor contract, the DWA can blacklist employers to prevent them from importing more workers. 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 have frequently ruled in favor of domestic workers who brought cases.

The Government announced in August that it would forbid the transferring of a domestic worker from one sponsor to another, a policy designed to prevent the "selling" of domestic workers. The policy was cancelled almost immediately for further study in response to an outcry from employers and the huge increases in the fees paid for employment agencies to procure a domestic worker.

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.

During the year the Government was not asked to cooperate with international investigations nor to extradite citizens for trafficking-related crimes.

During the year, there were no specific reports of government or police involvement in 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 (see sections 6.c. and 6.e.). Of an estimated 450—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. One source country embassy reported that during the first 10 months of the year, 2,600 domestic workers had stayed for one or more nights in the embassy shelter.

The Government and NGOs took steps to assist trafficking victims. In December 2005 police arrested a bidoon on charges of enslaving a domestic worker. The man reportedly confessed to the crime, although the case had not been resolved at year's end. The Government occasionally paid for airline tickets or chartered planes to repatriate runaway or abused domestic servants when their employers refused to repatriate them. In 2004 some NGOs, such as KHRS and the Kuwait Friendship Society, also paid for return airline tickets or legal fees on behalf of runaway or abused domestics. An NGO and a legal firm offered free legal aid to domestic workers in embassy shelters.

Employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases the domestics often were deported without the compensation. The MOI blacklisted some delinquent employers from sponsoring new domestics, but some used personal connections to circumvent the prohibition.

The MAIA initiated a public awareness project to inform domestic workers and their employers of the rights and responsibilities of both parties. The project's first public activity was a community meeting on May 15 to hear employers' and employees' ideas about problems relating to domestic workers. At year's end the program was in the information-gathering stage, having nearly completed several studies on problems in the domestic labor sector.

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 constitute 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.

National/Racial/Ethnic Minorities.—The legal status of tens of thousands of bidoon residents remained unresolved. The bidoon are people who have residency ties to the country, some persisting for generations and others for briefer periods, but who either lack or conceal documentation of their true nationality. 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. It has files on 90,000 bidoon, but the total numbers are over 100,000, according to most estimates. A 2004 government census, for instance, estimated 107,000 persons to be bidoon. Since the mid–1980s, the Government actively discriminated against the bidoon in areas such as education, employment, medical care, and mobility.

A member of the royal family initiated a charitable fund in 2004 to pay for bidoon children to attend private schools; however, according to bidoon informants and activists, the fund was insufficient to cover the needs of many bidoon children. The bidoon also began to receive free health care. A partially government-funded program concluded contracts with several insurance companies to pay the fees for bidoon health services.

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 had 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 enlistees are now barred from joining. The Government made it very difficult for bidoon to obtain official documents such as birth certificates, civil identification, driving licenses and marriage certificates, which made it difficult for many unregistered bidoon, particularly younger bidoon, to find employment. In March the Government allowed bidoon to renew their identity documents. Many bidoon had not been able to renew these cards in five or more years. Some bidoon complained that the card in itself did not allow the bidoon to work or obtain other documents and that issuing of the cards was simply a way for the Government to track them. Reports circulated early in the year that the Prime Minister ordered the easing of the difficult situation many bidoon face. By year's end it was not clear what effect these orders may have had. The Government did not issue travel documents to bidoon routinely, and if bidoon traveled abroad without documentation, they risked being barred from returning to the country without advance permission from immigration authorities. The children of male bidoon inherit their father's undetermined legal status, even if born to citizen mothers.

Only bidoon registered by June 27, 2000, could begin the process under which they could be documented as citizens. According to this law, bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The Government maintained that the vast majority of the bidoon were concealing their true identities, and that most were citizens of Iraq, Saudi Arabia, and Iran who wanted to enjoy the generous social benefits offered to its citizens. The Government granted citizenship to approximately 1,769 bidoon during 2005, but only about 400 gained citizenship during the year. In recent years a total of 10,600 bidoon received citizenship. There were 89,779 bidoon citizenship requests pending.

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. Others—the Government claims 26 thousand over the past several years—disclosed their true nationalities and obtained passports from their countries of origin: Iraq, Iran, Syria, Jordan, and Saudi Arabia. Once documented, bidoon are able to obtain residency permits and other official papers. However, bidoon who declare another nationality lose their chance 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 getting documents and work.

The political, economic, and long-term budgetary implications associated with extending citizenship, and the generous welfare benefits that come with it, to the equivalent of roughly 10 percent of the citizen population rendered the issue highly divisive. Some observers also note that tribal rivalries may also explain why some citizens oppose naturalization of the bidoon.

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.

On July 12, the National Assembly formed a committee for bidoon affairs to address the bidoon issue. The committee did not take any specific actions although it

issued recommendations in November to issue driving licenses, improve education and housing conditions, and increase employment rights for bidoon.

Other Societal Abuses and Discrimination.—There was discrimination against homosexuals in societal attitudes and legal issues. In February 2005 police charged a group of 28 alleged homosexuals with creating a public disturbance after they met outside a fast-food restaurant. On October 27, police raided a party where homosexuals were allegedly celebrating a wedding. On December 10, the legislative committee of the National Assembly unanimously approved a law to impose a fine of $3,450 (1,000 dinars) and/or one year's imprisonment for those imitating the opposite sex.

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. In September 2005 the Council of Ministers approved a plan to construct housing for noncitizen single males on the outskirts of the capital and remove them from urban residential areas. At year's end the Government had not completed the project. In April the Municipal Council sent teams to warn bachelors that they must move out of areas where families lived.

Section 6. Worker Rights

a. The Right of Association.—With the notable exceptions of the country's approximately 450–540,000 domestic servants and an unknown number of maritime employees, the labor law provides that most 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 International 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, compared with three during 2005 and 20 in 2004, including the Central Bank of Kuwait Laborers Union, Public Authority for Applied Education and Training Labor Union, and Public Environment Authority Laborers Union. At year's end there were 47 officially sanctioned workers' unions.

June 30 statistics cited 1,534 million noncitizen laborers in the country, comprising 82 percent of the total workforce of 1,870 million. However, foreign workers constituted approximately 20 percent of KTUF members. The labor law discriminates against foreign workers by denying them union voting rights, barring them from leadership positions, and permitting them to join unions only after five 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. Several unions' applications for official recognition were denied.

Unions may affiliate with international bodies. The KTUF applied for membership in the International Confederation of Free Trade Unions in 2005 (the International Trade Union Confederation), and was accepted on June 26. Unions maintained their established relationships with the ILO.

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. There were numerous strikes during the year, but they were organized by workers outside the framework of unions. Workers frequently held sit-ins as well. Security forces responded to these strikes; they tried to mediate the dispute and did not resort to violence. There are no export processing zones.

The law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements were 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 5, 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 (see section 5).

The law prohibits forced and compulsory labor by children younger than 18; however, there were credible reports of underage girls working as domestic servants (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law prohibits child labor, forced or compulsory labor, and exploitation of workers; however, there were credible reports of some underage domestic servants.

The legal minimum age is 18 years for 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 six hours a day on the condition that they work no more than four consecutive hours followed by a one-hour rest period.

Some underage workers reportedly falsified their ages in order to enter the country. Unlike in previous years, there were no reports of underage boys used as camel jockeys during the year.

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. MOSAL claimed that it carried out an extensive campaign in January and February to ensure that children were not working in industrial jobs but did not provide evidence of having taken any action to solve the problem.

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 $690 (200 dinars) per month, while the noncitizens' wage was $310 (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 MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

Private sector wages ranged from $17,250 (5,000 dinars) per month for top managers of large companies to an average of $1,380 (400 dinars) to $3,450 (1,000 dinars) for other skilled professionals and workers. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than $138 (40 dinars) monthly, which was stipulated in the MOI's

standard contract for domestic workers set the minimum wage. Some foreign countries would not let their workers travel to the country unless they had signed a contract for at least a minimum wage the country found reasonable. To be eligible to sponsor family members for residency, workers must receive a minimum wage of $863 (250 dinars) per month, reduced from $1,380 (400 dinars) in 2004 for both government and private sector employees. Many foreign workers who met the minimum income threshold often waited months for government approval to sponsor their immediate family members to the country. The Government exempted public school teachers from the minimum salary threshold for sponsoring family members.

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, one hour of rest after every five 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 one-day rest period to temporary workers employed less than six 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.

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 has 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 above 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 the past recorded temperatures reached 122 degrees Fahrenheit, but work reportedly continued at many outdoor locations. Although there were fewer complaints than in past years, the MOSAL announced that it had conducted at least 208 inspections and found 61 companies were employing 580 laborers in the sun. Reinspections of 116 of these companies found that four companies, employing 30 workers, continued to violate the law.

The law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, typically paid in a lump sum. Workers, especially noncitizens, had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations for workers exposed to environmental hazards on the job, such as chemicals and asbestos. Adequate and affordable health care was a serious problem for many foreign workers. The best medicines and certain kinds of specialized treatment officially were reserved for citizens. Noncitizens must pay an annual, government-mandated medical coverage premium to the Ministry of Health, required to obtain residency, and additional user fees for medical care, medication, required tests, or specialized procedures. Many employers deducted the medical fees from employees' salaries.

Employers often exploited workers' willingness to accept substandard conditions. Noncitizen workers, especially less-skilled South Asian laborers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue legal remedies. They faced contractual disputes, poor working conditions, and at times physical and sexual abuse (see sections 5 and 6.c.). Most were in debt to their employers or to recruiters before they arrived in the country, and they had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was common for wages to be withheld for a period of months or to be decreased substantially in violation of their labor contracts. Many foreign workers were forced to live in "housing camps," which gen-

erally were overcrowded and lacked adequate cooking and bathroom facilities. Laborers were housed 10 or more to a room in squalid conditions, a number without access to adequate running water. These workers were allowed off the camp compound only on company transport or by permission of the employer. Many foreign workers went heavily into debt and could not afford to return home.

Any foreign worker covered under the law, which excluded maritime workers and an estimated 450,000 domestic servants, could submit a grievance to the Labor Office in the governorate where he worked regardless of union status; however, such services were not utilized widely. The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely.

The courts ruled in favor of employees in an estimated 90 percent of the labor disputes they heard; however, no legal mechanism existed to enforce judgments. There was no compulsion for employers to obey court rulings, and workers often did not receive court ordered compensation. Employers also reportedly used illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, encouraging police intimidation and brutality, threatening deportation, and filing criminal charges against workers for fabricated crimes, such as theft.

In 2005 the Government implemented measures designed to protect the welfare of workers. The MOSAL implemented a 24-hour hot line for nondomestic laborers to file complaints if their companies were more than 15 days delinquent in salary payments. The law requires companies to make a bank deposit for each (nondomestic) expatriate worker hired, which the Government could confiscate to reimburse employees for unpaid wages. The Government compensated Bangladeshi workers by this method in at least one dispute over unpaid back wages during the year. Recruitment agencies are responsible for resolving labor disputes between employers and domestic laborers that occur within six months of the worker's hiring date. If problems continue, the sponsor and worker must resolve them.

The MOI investigates and resolves labor disputes in cooperation with the laborers' representative embassies. The DWA assigned officers to liaise with the Indian, Indonesian, Philippine, and Sri Lankan embassies on domestic labor problems.

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. President Emile Lahoud, who is the head of state, was elected in 1998 for a six year term; however, in September 2004 the Syrian regime pressured parliamentarians to pass a constitutional amendment that extended President Lahoud's term until November 2007. The latest legislative elections took place in four phases between May 29 and June 19, 2005. According to international observers, the elections were considered generally free and fair, although most political observers considered the boundaries of the electoral districts to be unfair. The elections resulted in a new majority in the parliament opposed to Syrian interference in the country.

The July-August conflict involving Israel and the terrorist organization Hizballah erupted on July 12, when Hizballah entered Israel from Lebanese territory and kidnapped and killed Israeli soldiers. Israeli military forces responded by entering Lebanese territory. Both Hizballah fighters and Lebanese civilians died during the conflict. The conflict ended with a UN-sponsored cessation of hostilities on August 14.

Despite the cessation in hostilities and the deployment of Lebanon Armed Forces (LAF) and United Nations Interim Forces in Lebanon (UNIFIL) in the south, Hizballah retained significant influence over parts of the country, and Palestinian militias retained control of refugee camps, beyond the reach of state authorities. UN Security Council (UNSC) resolutions 1559, 1614, and 1701 call upon the Government to take effective control of all Lebanese territory and disarm militia groups operating in Lebanese territory. Due to several factors, including internal political differences and lack of capacity on the part of its security forces, the Government has not taken 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 abuse. Security forces arbitrarily arrested and detained individuals, while poor prison conditions, lengthy pretrial detention and long delays in trials remained serious problems. The Government violated citizens' pri-

vacy rights in an atmosphere of government corruption and lack of transparency. There were some restrictions on freedoms of speech and press, including intimidation of journalists. 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 were also problems.

During the year before the conflict broke out, the Government took significant steps to increase freedom of assembly and association at mass demonstrations and by facilitating the formation of new political associations and parties. The Government also took concrete measures to prevent unauthorized eavesdropping on private citizens.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Excluding the period of conflict between Hizballah and Israel, there were no reports of arbitrary or unlawful deprivation of life by the Government or its agents.

On July 12, Hizballah killed three and abducted two Israeli Defense Force (IDF) soldiers during a cross-border attack from southern Lebanon, resulting in a conflict that lasted until August 14. According to the UN, Israel's air and ground operations in Lebanon killed 1,191 persons, and injured 4,409 persons. Hizballah group leaders unofficially indicated that more than 250 of their fighters were killed during the conflict.

During the year the UN International Independent Investigation Commission (UNIIIC), established under U.S. resolution 1595, continued its investigation into the February 2005 assassination of former Prime Minister Rafiq Hariri. While preliminary reports over the last year have pointed to possible linkages to Syrian intelligence services, no firm conclusion was reached by year's end.

The following deaths by car bombings were reported during the year: On May 26, Islamic Jihad member Mahmoud Majzoub and his brother were killed in Sidon by a bomb placed in his car. The cabinet condemned the killing asserting that it had "the fingerprints of the Israeli occupation."

On September 5, two roadside bombs exploded in Rmeileh injuring Internal Security Forces (ISF) Lieutenant Colonel Samir Shehade and killing four of his bodyguards. Shehade was deputy head of the information department in the ISF; Shehade handled many sensitive cases including the investigation into the late Prime Minister Hariri's assassination. The explosion came on the eve of the arrival of UN Undersecretary for Legal Affairs Michel to Beirut to discuss the formation of an international tribunal to try suspects in the Hariri assassination. Investigations into the incident continued at year's end.

On November 21, a team of gunmen killed industry minister and prominent anti-Syrian Christian politician Pierre Gemayel while driving his car in a northern suburb of Beirut. Although a group called the "Fighters for the Unity of Al-Sham (Greater Syria) and its Liberty" claimed responsibility, the identity of the gunmen remained unknown at year's end. The UN approved the expansion of the UNIIIC probe to include Gemayel's murder. Investigations into the incident continued at year's end.

Investigation into 2005 bombings continued, but there were no further developments in the following cases: The June 2005 killings of Samir Kassir, a prominent anti-Syrian journalist, and George Hawi, former head of the Lebanese Communist Party, who were killed in Beirut when bombs placed under their cars exploded; the July 2005 car bomb which blasted the motorcade of Lebanon's defense minister and incoming Deputy Prime Minister, Elias Murr, injuring him and killing one person; the September 2005 explosive planted under the car of proreform journalist May Chidiac which seriously injured her; and the December 2005 car bomb that killed the popular prodemocracy journalist and politician Gibran Tueni, along with a bodyguard and a bystander.

There were no developments in the 2004 car bombing that killed Hizballah member Ghalib Awwali in the southern suburbs of Beirut.

During the year violent cross-border attacks by Hizballah, Palestinian, and other unidentified armed elements against the IDF continued.

Before the July-August conflict, the country's landmine and unexploded ordinance (UXO) problem was estimated by the National Demining Office (NDO) at more than 550,000 landmines and UXO throughout the country. During the portion of the year prior to the conflict there were seven deaths attributable to landmines, and after the conflict an additional 19. Eight of those killed were deminers. After the conflict an additional 800 cluster bomb strike locations had been identified in the south. The

United Nations Mine Action Coordination Center in Southern Lebanon estimated in November that 40 percent of Israeli cluster munitions fired during the conflict failed to explode, leaving an estimated 560,000 to 1.1 million unexploded submunitions in southern Lebanon. According to UN figures, between August 14 and December 19, 18 Lebanese civilians were killed and 145 were wounded by unexploded submunitions.

After further investigation, the potential mass grave discovered in December 2005 at the site of a former Syrian Intelligence headquarters in the town of Anjar turned out to be a 600-year-old communal burial site.

b. Disappearance.—There were no reports of politically motivated disappearances caused by government forces.

On July 12, Hizballah kidnapped two Israeli soldiers on Israeli territory. Hizballah had yet to allow access or communications with the two soldiers at years 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 a common practice.

The Government acknowledged that violent abuse of detainees usually 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, on February 5, according to international human rights organizations, authorities arrested 42 Syrian nationals in the wake of violent protests outside the Danish Embassy in Beirut (see section 2.b.) and allegedly beat some of them in an apparent attempt to force confessions about their involvement in the protests. On February 10, a military court in Beirut ordered their release. No investigations into the abuse were carried out by year's end.

In its October 2005 report, the UNIIIC investigation of the assassination of former Prime Minister Rafiq Hariri noted that some unidentified security personnel had abused witnesses in the aftermath of Hariri's assassination.

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 groups that controlled specific camps detained their Palestinian rivals (see section 1.d.). Rival groups, such as Fatah and Asbat al-Nur, regularly clashed over territorial control in the various camps, sometimes leading to exchanges of gunfire and the detention of rival members.

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 were noted, such as physical and mental stress; the latter were especially noteworthy in Yarze prison, southeast of Beirut. The Government did not consider prison reform a high priority. The number of inmates was estimated to be 5,971, including pretrial detainees and remand prisoners. The Government made a modest effort to rehabilitate some inmates through education and training programs.

During the year there were no reports of men and women being held together in the same prison facility. While there were no government reports on juveniles being 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.

Although there was some effort to keep pretrial detainees separate from convicted prisoners, overcrowding often prevented such separation. Unlike in the previous year there were no reports of political detainees or prisoners held in regular prisons.

The police institution in charge of border posts and internal security, the Surete Generale (SG), operated a detention facility for detainees pending deportation. Detention was supposed to be for one to two months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year and 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). However, due to the July-August conflict, many human rights groups focused their priorities on providing humanitarian assistance rather than monitoring prison conditions.

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; 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 of the latter two 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, due to a lack of strong enforcement, their effectiveness was limited. The Government acknowledged the need to reform law enforcement, but security issues and lack of political stability 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 (see section 1.e.). The 2004 report by the Parliamentary Commission for Human Rights estimated that of the over 5,000 persons being held in prison, one third had not been convicted of crime.

The law provides the right to a lawyer, to 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 prosecuted 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. Many provisions of the code were not observed in practice.

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.

Security forces continued the practice of arbitrary arrest and detention.

There were no new developments in the 2005 arrest of four security chiefs. In August 2005 authorities arrested four Lebanese security chiefs with the rank of general after the UNIIIC declared them suspects in the assassination of former Prime Minister Rafiq al-Hariri. In April President Lahoud called for their release unless they are formally charged with involvement in the assassination in a timely manner. The suspects remained imprisoned at year's end.

Protesters were also arbitrarily detained and arrested. On February 5 and 6, 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 (see section 2.b.). Six days following their arrest, approximately 250 of these individuals were brought before the Military Court in Beirut and were ordered released. The whereabouts of the remaining detainees was unknown at year's end.

Since the withdrawal of Syrian forces in April 2005, there appeared to be no indication that the Government detained, interrogated, or harassed journalists (see section 2.a.).

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions (see section 2.d.).

Unlike in previous years there were no allegations that the Government transferred citizens to Syria. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention in Syria. In 2005 a number of human rights organizations estimated that there were between 25 and 250 remaining Lebanese prisoners in Syria. Unlike in the previous 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 began judicial proceedings against once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. The law provides for a fair public trial and for an independent judiciary; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. The judiciary still suffered from intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in 2004. Despite this intimidation, the aftermath of the February 2005 assassination of Rafiq al-Hariri led to significant progress in eliminating political and security influence over the judiciary. Unlike in the previous year authorities did not harass critics of the judicial system.

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 regular 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, inheritance, and child custody (see section 5). 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. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. In 2005 the cabinet referred several high-profile cases to this tribunal, including the 2005 assassination of former Prime Minister Rafiq al-Hariri and the 2004 attempt on the life of then telecommunications minister Marwan Hamadeh. Verdicts from this tribunal may not be appealed.

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 12 Palestinian-controlled refugee camps throughout 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. Defendants 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.

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.

Unlike in previous years, there were no reports that Hizballah subjected former Southern Lebanese Army soldiers who returned to their villages to harassment.

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 used their good offices to hand over the perpetrator to Lebanese 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 (see section 2.b.). Despite a law regulating 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 in-

former networks and monitoring of telephones to obtain information regarding their perceived adversaries.

The Siniora government took steps to roll back the violation of privacy rights. In September 2005 the Government passed two implementation decrees. The first decree called for creating an independent judicial committee chaired by the chairman of the Judicial Council. This committee would receive complaints from parties who believed that their phones were tapped. The committee would also give permission for security services to monitor the telephones of criminals. The committee members were appointed by the Siniora government in December 2005 but did not start their duties by year's end.

The second decree concerned the operations of security intelligence and called for the creation of a centralized unit that would have supervision over tapping phones related to military personnel only. The committee would report to the minister of interior and the Prime Minister. The ministry would review the procedure regularly and eventually bring all phone tapping into this centralized unit. This centralized unit had not been put into effect by year's end.

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 limited materials that can be censored to pornography, political opinion, and religion when they are a threat to national security. Since the 2005 withdrawal of Syrian forces from the country, journalists operated in a more free media environment. However, due to the tense political atmosphere and a weak judiciary, journalists continued to exercise self-censorship, although to a far lesser degree than in previous years. The 2005 killings of prominent journalists and the failure to apprehend those responsible created a climate of intimidation. There were no reported killings of journalists during the year.

The Government arrested observers who expressed their criticism of the judicial system. For example, on April 13, an international human rights group reported on the 2003 detention of human rights lawyer Mohammad Mugraby, charged in 2003 with slandering the "military establishment and its officers." The charge related to a statement he made to the European Parliament in Brussels in 2003 in which he criticized the military court system in Lebanon, including the inadequate legal training of the courts' judges, and for the torture suffered by suspects tried before military courts to extract confessions. Mugraby was released in August 2003 and was still awaiting trial at year's end.

The Government retained and utilized several legal mechanisms at its disposal 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 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.

On February 28, according to the Committee to Protect Journalists (CPJ), Beirut prosecutor Joseph Me'mari filed criminal charges against the daily Lebanese newspaper Al-Mustaqbal, its editor in chief Tawfiq Khattab, and staff reporter Fares Khashan for defaming President Lahoud. The charges were filed four days after Al-Mustaqbal published an interview with former Lebanese ambassador to France and former army intelligence chief Johnny Abdo, who criticized Lahoud's performance. Their cases had not yet gone to trial by year's end.

On June 1, the Lebanese Broadcasting Corporation (LBCI) broadcast an episode of weekly political satire Basmat Wattan that ridiculed Hizballah Secretary General Hassan Nasrallah. The program prompted violent demonstrations in Beirut. On June 2, the National Media Council, under the Ministry of Information and responsible for monitoring television programs, ruled that LBCI was guilty of broadcasting offensive material and forwarded the case to the cabinet. No action was taken by the cabinet by years end.

In October the minister of justice filed a complaint in the Publications Court against Al-Akhbar daily for alleging that two members of the Judicial Council had met with the head of the ISF Intelligence Department to discuss judicial appoint-

ments. The complaint named reporter Antoine El-Khoury Harb and the Al-Akhbar director Ibrahim Awad. The case continued at years end.

Judicial cases launched in previous years against journalists were not pursued during the year. Investigations into the killings of Samir Kassir in June 2005 and Gibran Tueni in December 2005, and into the attack on May Chidiac in September 2005 continued at years end. There were no developments in the June 2005 case against Al-Mustaqbal reporter and Future TV anchor Zahi Wehbe. Likewise, the 2003 defamation case against Ad-Diyar newspaper's editor in chief Charles Ayoub for defaming President Lahoud was pending at year's end.

Films that offended religious or social sensitivities are often blacklisted. In May the SG prohibited the film "The Da Vinci Code" from being shown in the country because of religious sensitivities.

Also in May 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.

Throughout the year the film "Naked Gun" was prohibited from being shown on Lebanese television because it included a brief scene mocking Ayatollah Khomeini. 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 chatrooms, and the Government promoted Internet usage. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail and internet discussion groups, such as Naharnet. However, Internet usage and access was reportedly restricted by Hizballah in areas that it controlled in southern Lebanon.

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 prior approval of rallies by the MOI was required, and groups opposing government positions sometimes were not granted permits.

Demonstrations occurred during the year without government approval, and there were instances where military personnel used force to disperse the protesters. On February 5, in response to the September 2005 publication in a Danish newspaper of a series of cartoons that caricatured the Prophet Muhammed, thousands of demonstrators rallied outside Beirut's Danish embassy and set the building on fire. According to media reports, approximately 2,000 riot police and army troops fired tear gas and water cannons to disperse the crowd and fired their weapons into the air. According to an international human rights organization, authorities arrested and detained more than 400 individuals in the wake of the violent protests (see section 1.d.).

Beginning on December 1 and continuing to the end of the year, a few thousand demonstrators, composed of Shiites loyal to Hizballah and to the allied Amal movement, and Christian supporters of Michel Aoun, maintained a "sit-in" punctuated by a few larger rallies in central Beirut outside the Government office of Prime Minister Fouad Siniora, calling for the resignation of his government. Army and police forces closed off the Prime Minister's office and other key buildings with a police cordon, physical obstacles, and security force vehicles. Isolated violence between Sunnis and Shi'a occurred during the period of the demonstration; one incident resulted in the death of protester Ahmad Mahmoud on December 3. 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, sufficient to block legislation or force the cabinet's dissolution.

Coinciding with the protests, a number of progovernment rallies were held in several areas around the country. For example, on December 10, according to the press, hundreds of thousands of peaceful demonstrators rallied in Tripoli in solidarity with the Siniora government. There were no reports of violence, police brutality, or use of force.

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. In addition to what is provided by law, the MOI imposed on organizations further restrictions and requirements that were not enforced consistently. The ministry in some cases sent notification of formation papers to the security forces, which then conducted inquiries regarding an

organization's founding members. The ministry may use the results in deciding whether to approve the group. The ministry at times withheld the receipt, essentially transforming a notification procedure into an approval process.

In August 2005 the Government changed the policy such that the formation of any association no longer required licensing. According to civil rights organizations, the time needed for registration had in some cases dropped to as little as 10 working days.

Organizations must invite MOI representatives to any general assembly where votes are held for by-law amendments or elections are held for positions on the board of directors. The ministry 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 (see section 1.f.).

Under popular pressure, following the April 2005 withdrawal of Syrian military and security forces, the Government ceased to monitor groups critical of Syrian policies, and the Government stopped harassing members of such groups.

c. Freedom of Religion.—The constitution provides for absolute 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 law does not provide for freedom to have no religion. 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 did 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 (see section 1.e.). State recognition is not a legal requirement for religious worship or practice. For example, although Baha'i, Buddhists, Hindus, and some protestant Christian groups were not recognized officially, 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 last group registered was the Coptic Church in 1997. 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. The LAF, through universal conscription and an emphasis on professionalism, significantly reduced the role of confessionalism (or religious sectarianism) in the armed forces.

The Government required that religious affiliation be indicated on civil status registry and on national identity cards, but not on passports.

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. 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 one year, no prosecutions were reported under this law during the year.

Societal Abuses and Discrimination.—Sectarian rhetoric increased in intensity during the year. 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. Moreover, anti-Semitic literature was published and distributed with the cooperation of Hizballah. Hizballah also controlled and operated Al-Manar TV. On October 20, Al-Manar broadcast an interview with the head of the Lebanese Islamic Action Front in which he stated that the resistance and Lebanon were victorious, and that defeat was the lot of Israel and this accursed Israeli people—this accursed nation, the offspring of apes and pigs.

In addition the pan Arab satellite station, New TV, aired several anti-Semitic programs and interviews, including an interview on June 21 with a known Holocaust denier whose interview was introduced by the narrator with never has there been an issue subject to as many contradictions, lies, and exaggerations regarding the number of victims as the issue of the Jewish Holocaust.

Writing a new curriculum for the public schools was one of the requirements included in the Taif Accord of 1989. The new curriculum, which began to be implemented in 2004, included antibias and tolerance education. There is no specific reference to or designation of crimes as hate crimes in legislation.

For a more detailed discussion, see the 2006 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 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.

On several occasions, Hizballah operatives interfered with the freedom of movement of UNIFIL personnel. According to the UN Secretary General's 2004 report, no action had been taken against the 15 Hizballah operatives who injured three UNIFIL observers in 2002, despite government assurances that the perpetrators would be arrested and brought to trial.

The law prohibits forced exile and it was not used.

Internally Displaced Persons (IDPs).—Following the August 14 cease-fire 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 one 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 were secondarily displaced. According to the Governments Higher Relief Council, more than 700,000 displaced persons and refugees had returned to their homes. However, the office of the UN High Commissioner for Refugees (UNHCR) estimated that 550,000 displaced had returned to their preconflict residences and that up to 200,000 persons remained displaced at years end. UNHCR reported on November 1 that many of the displaced had been unable to return because of unexploded ordinance (see section 1.a.) and because of the lack of basic infrastructure, such as water and electricity, in some areas.

The Government continued to encourage the return of IDPs displaced during the 1975–90 civil war to reclaim their property and rebuild their homes. 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. Also, there were no reports that the Government forcibly resettled IDP's.

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 south 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. While the Government has encouraged the return of IDPs to their homes, 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 UN Convention Relating to the Status of Refugees and its 1967 Protocol, but the Government has found mechanisms to provide assistance. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status to a limited number of Sudanese. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol to approximately 3,000 persons during the year. In 2003 the SG signed an agreement with the UNHCR recognizing and granting protection to non-Palestinian refugees, providing temporary relief for those seeking determination of refugee status. Those wishing to claim refugee status do so within two months of arriving in the country. The SG issues residence permits, valid for three 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 (six months) refuge to asylum seekers, but not permanent asylum.

Most refugees were Palestinians. The UN 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. During the year there were 223,956 Palestinian refugees in UNRWAs 12 refugee camps throughout the country. Credible sources estimated that the actual number in the country was between 250,000 and 300,000. 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 (see section 5). 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. The law prohibited Palestinian refugees from working in 72 professions. However, in June 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. Palestinians no longer may purchase property, and those who owned property prior to 2001 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, but it was applied in a manner disadvantageous to the 25,000 Kurds in the country.

Most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the civil war, during the 1980s Israeli invasion of the country, during continuing camp feuds, and during the July-August conflict between Israel and Hizballah. 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.

Children of Palestinian refugees faced discrimination in their access to adequate housing, social security, education, and in their right to be registered. 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.

In 2003 the State Consultative Council invalidated the 1994 naturalization decree in which several thousand Palestinian nationals were naturalized. As a result, approximately 4,000 persons, some of which are families including several siblings, may lose their Lebanese citizenship. The council referred the issue to the MOI to review the files and decide their legal status. The ministry continued to review the files, but it had not issued a decision by years end.

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.

In October 2005 according to the Government, a new office in the Ministry of Foreign Affairs was established to address the Palestinian refugee issue in a more comprehensive and just manner. One of the principal objectives of this office was to approve and increase the number of humanitarian projects designed to assist the Palestinian refugee population, with an emphasis on health and education. This office will seek additional donor assistance and cooperation from the international community and NGOs.

According to the UNHCR there were 2,541 non-Palestinian refugees, primarily Iraqis, Somalis, and Sudanese, registered with the UN and residing in the country. However, this number did not include a substantial number of refugees from Iraq who entered the country illegally in search of jobs, education, and security. According to the UN 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 years 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.

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 four years. In turn the parliament elects the President every six 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 (see section 2.c.).

During May and June 2005 parliamentary elections were held for the first time in three decades without Syrian interference. International observers were invited to monitor these elections and reported fewer incidents of voter fraud and tampering with ballots than previous elections. According to the European Union monitoring team, the elections were well managed and took place in a peaceful manner within the existing framework for elections. The process was flawed, particularly because the elections were carried out according to the 2000 electoral law, which reflected Syrian government influence.

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 Lahoud to November 2007. Many citizens considered this amendment to violate the constitution.

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 political parties and numerous smaller ones. 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 Ja'ja', and the Phalange party, led by former President Amin Gemeyal. The largest party representing the Shi'a community was Hizballah, led by Hassan Nasrallah. A smaller Shi'a party, Amal, was led by Speaker of Parliament Nabih Berri. A number of smaller parties existed, or were in the process of forming, but the larger, sectarian-based parties still maintained the greatest influence in the country's political system.

There were significant cultural barriers to women's participation in politics. Prior to October 2005 no woman had held a cabinet position; however, at years 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.—There was a widespread perception of corruption at all levels of government. During the year the NGO Transparency International's composite index of the degree to which corruption is perceived to exist among a country's politicians and public officials indicated a perception that the country had a serious corruption problem.

There are no laws regarding public access to government documents, either allowing or denying access. In practice the Government did not respond to requests for documents.

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

A number of local and international human rights groups generally operated freely without overt government restriction, 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 Amnesty International, investigating and publishing their findings. In the past, some human rights groups reported harassment and intimidation by the Government or Hizballah. During the year there was no known report of a concerted effort of harassment by the Government of nongovernmental human rights organizations working in the country.

Government officials generally were cooperative, except when some of these 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 UN 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. Foreign domestic servants 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 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 three 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 battered women; 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, 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 (see section 5, Trafficking). 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 did not protect them (see section 6.e.). Because of such abuse, the Government prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The law prohibits rape, and the minimum prison sentence for a person convicted of rape is five years in prison. The minimum sentence for a person convicted of raping a minor is seven years. The law was effectively enforced.

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 one to seven years imprisonment. While several honor crimes were reported in the media, no person was convicted in a case legally considered an honor crime.

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 3,744 visas in 2005 to mostly eastern European women to work in adult clubs as artistes. Although prostitution is illegal, virtually all of these women engaged in prostitution with the implicit consent of the Government. The country was a destination for trafficked persons, primarily women (see section 5, Trafficking).

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.

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 UN Childrens Fund reported that approximately 91 percent of children between the ages of three and five, and approximately 98 percent of children between the ages of six 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. Access to hospitals was provided to all free of gender discrimination.

Children of poor families often sought employment and took jobs that jeopardized their safety (see section 6.d.).

Children of Palestinian refugees were limited in their access to government services (see section 2.d.).

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 East European and Russian women, 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 good-faith work contracts and sponsors, but often found themselves in situations of involuntary servitude with little practical legal recourse.

If forced prostitution or forced rendering of sexual services occurred as a result of abduction, the Penal Code stipulates that the abductor be sentenced to at least one 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 employers' house, 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 (see section 6.e.).

Restrictions of movement and withholding of passports were common practices. 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.

There were no new developments in the investigations of the 2004 deaths of Herra Olandres and Luella Montenegro, two Filipinas allegedly attempting to flee abusive work environments when they died.

The Ministry of Labor (MOL) regulates local employment agencies that place migrant workers with sponsors. During the year the MOL closed 10 employment agencies for a specified period and warned a number of others for noncompliance with MOL regulations.

The Government's 2004 decision to deny visas to workers from Ethiopia to prevent fraud was suspended, and the Government began issuing visas effective February 1 for a trial period.

Unlike in previous years, there were no reports during the year of any attempt to smuggle persons into the country.

The country made some progress in protecting victims of trafficking. The Government did not provide foreign workers with relief from deportation, shelter, or access to legal, medical, or psychological services. The SG and Caritas/International Catholic Migration Commission (ICMC) cooperated to create a safe house for protection of trafficking victims. Social workers were allowed to accompany victims during the interviews by immigration authorities. The SG also granted out-of-visa status for workers who were victims of abuse and permission to stay up to two months to assist in the investigation of their cases and the prosecution of their abusers. The SG also implemented screening and referral procedures for trafficking cases. Social workers from Caritas Lebanon Migrants Center were also allowed unrestricted access to the SG's holding center for foreign persons. These social workers provided detainees with counseling, assistance, and legal protection.

In 2005 the SG began endorsing an alternative for migrant workers who did not wish to be repatriated to their home country to legally change their sponsor. It started allowing migrant workers to change employers, but only if they have 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 still did not have a zero-tolerance policy for physical abuse of domestic workers.

However, according to Caritas/ICMC, in one case, a judge awarded an Ethiopian migrant worker financial compensation to be paid by her abusive employer. This decision marked the first time a domestic worker in the country was awarded compensation for physical abuse.

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, refused to receive 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 civil war. Families generally cared for their own family members with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 private organizations. These organizations were relatively active, although poorly funded.

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.

In 2002 the Ministry of Finance informed all firms and companies that it would not settle obligations with them unless they proved that 3 percent of their workforce was composed of persons with disabilities. However, the ministry failed to enforce this decision.

Many persons with mental disabilities were cared for in private institutions, many of which were subsidized by the Government.

National/Racial/Ethnic Minorities.—There were reports that Syrian workers, usually employed in manual labor occupations, suffered discrimination following the withdrawal of Syrian forces in April 2005. 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 unnatural sexual intercourse, which is punishable by up to one year in prison. The law was sometimes applied to homosexuals. Citizens sexual preferences reflected societal norms, not legal rulings. 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, and workers exercised this right in practice. The General Confederation of Labor (GCL) estimated that there were 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. At year's end 43 federations were voting members of the GCL. However, some unionists continued to claim that some of these federations were "virtual," that is, created by political interest groups to offset the votes of the 13 established labor confederations that actually represented 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 does 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 (see section 2.d.).

b. The Right To Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice. Most worker groups engaged in some form of collective bargaining with their employers. Stronger federations obtained significant gains for their members and on occasion assisted nonunion workers. No government mechanisms promoted voluntary labor-management negotiations, and workers had no protection against antiunion discrimination.

The law provides for the right to strike. On May 1, the Communist Party held a Labor Day march to protest the deterioration of living conditions, and on May 10 teachers protested government economic reform 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 (see sections 5 and 6.e.).

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor was a problem. 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 six hours per day, and requires one hour of rest if work is more than four hours. The law entitles them to 21 days of paid annual leave.

Juveniles are prohibited from working between the hours of 7 p.m. and 7 a.m. The law prohibits juveniles under the age of 17 from working in jobs that jeopardize their health, safety, or morals. It also prohibits the employment of juveniles under 16 in industrial jobs or jobs that are physically demanding or harmful to their health. The MOL was responsible for enforcing these requirements; however, it did not enforce the law effectively. In cooperation with the UN Office for Drug Control and Crime Prevention, the Government inaugurated the Center for Juvenile Victims of Physical Abuse in 2005. As such, juveniles would no longer be interrogated at police stations but rather at the center, which was equipped according to international norms, in the presence of a social worker.

Children worked in predominantly trade-related jobs. The percentage of working children between the ages of 10 and 14 was estimated at 1.8 percent. The percentage of working children between the ages of 15 and 18 was 11.3 percent. There were no recent reliable statistics on the number of child workers.

A 2004 MOL study on working street children provided a snapshot of the condition and nature of street children in the country. The report showed that the average street child was a boy (9 percent were girls), foreign (only 15 percent were citizens, the others were most often Palestinian and Syrian), 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 said they kept their income.

e. Acceptable Conditions of Work.—The Government sets a legal minimum wage; during the year it was approximately $200 (300,000 pounds) per month, but it was not enforced effectively in the private sector. The minimum wage did not provide a decent standard of living for a worker and family. Trade unions attempted to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

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 continued 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. 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 National Social Security Fund. In most cases, however, they preferred to remain silent fearing arbitrary dismissal.

Foreign domestic workers, mostly of Asian and African origin, were mistreated, abused, raped, or placed in situations of coerced labor or slavery-like conditions (see section 5). Recruitment agencies and employers are 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 two years. Government regulations prohibit employment agencies from withholding foreign workers' passports for any reason. However, in practice it continued to be common for employment agencies and household employers to withhold maids' passports. These measures were used to control the outside activities of the workers, specifically, to keep them from running away.

The law does not protect foreign domestic workers. 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 much less. Victims of trafficking or abusive labor situations 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 countries.

LIBYA

The Great Socialist People's Libyan Arab Jamahiriya is an authoritarian regime with a population of approximately six million, ruled by Colonel Mu'ammar Al Qadhafi since 1969. The country's governing principles are derived predominantly from Colonel 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 Qadhafi and his inner circle monopolized political power. On March 5, Secretary of the General People's Congress (GPC) al-Baghdadi al-Mahmoudi and the remaining delegates of the 760-member GPC began a three-year term. Revolutionary Committees are nominally extragovernmental organizations that monitor adherence to revolutionary ideology, but in practice the committees' role was unclear and increasingly marginal. 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.

The Government took a positive step during the year. On March 2, the Government released 132 political prisoners, including 86 members of the Muslim Brotherhood held since 1988 and journalist Abd Al Raziq Al Mansuri.

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 13 Human Rights Watch (HRW) report, witnesses interviewed in April and May 2005 claimed that abuse by detention center guards led to the deaths of three detainees (see section 1.c.).

The Government did not release publicly any information on its investigation into the May 2005 abduction, abuse, and killing of Daif Al Ghazal, a prominent opposition journalist and anticorruption activist. According to HRW the Government stated that it could not provide information about the case without compromising its investigation. In August the Government stated it had detained two suspects. Some human rights groups raised concerns that a government autopsy in the Al Ghazal case omitted key details necessary for a police investigation.

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 security personnel routinely tortured prisoners during interrogations or as punishment. Government agents reportedly detained and tortured foreign workers, particularly those from sub Saharan Africa. Reports of torture were difficult to corroborate since many 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, prolonged deprivation of sleep, food, and water, hanging by the wrists, suspension from a pole inserted between the knees and elbows, cigarette burns, threats of dog attacks, and beatings on the soles of the feet.

According to HRW the Government claimed that it prosecuted officials who mistreated detainees in detention facilities. The Government stated that it investigated 43 cases of alleged torture and brought 48 defendants to trial in 2004. The Government did not specify the outcome of the trials or provide similar statistics for 2005 or this year.

Since 2000 six foreign medical personnel charged with deliberately infecting children in a hospital in Benghazi with the HIV virus testified repeatedly that they had been tortured with electric shocks and beatings to extract confessions. The medical

personnel also testified to two cases of rape. In June 2005 a court acquitted 10 security officials accused of torture (see section 1.e.).

In March 2005 representatives of Physicians for Human Rights (PHR) and the International Federation of Health and Human Rights Organizations visited political detainee Fathi Al Jahmi and reported that his isolated confinement and sporadic and inadequate medical treatment constituted cruel, inhuman, and degrading treatment (see section 1.e.).

Prison and Detention Center Conditions.—According to foreign diplomats and international organizations, prison and detention center conditions ranged from poor to adequate. Pretrial detainees and convicts were held in the same facilities. Reportedly more than half of the prisoners in the country were pretrial detainees. Prison officials frequently held pretrial detainees for long periods (see section 1.d.).

Security forces reportedly subjected detainees to cruel, inhuman, or degrading conditions and denied adequate medical care, which led to several deaths in custody.

On October 4, according to press accounts, clashes between prisoners and guards at the Abu Salim prison killed one prisoner, Hafed Mansour Al-Zwai, and injured 17.

For three weeks in April and May 2005, HRW visited the country after a 15 year absence and received access to police stations, prisons, and prisoners. 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 (see section 1.a.); one interviewee said that he saw what he believed to be rape, while three witnesses reported that security officials threatened women detainees with sexual violence. HRW stated that some detention conditions for migrants and refugees reportedly improved since some of the interviewees were detained.

In February 2004 the Government permitted Amnesty International (AI) to visit some prisons and speak with inmates that it considered "prisoners of conscience." During its visit AI raised concerns with the Government about the health of 86 Muslim Brotherhood prisoners in Abu Salim prison who undertook a seven day hunger strike to protest lengthy delays in their appeal process. On March 2, the Government released these 86 prisoners. In March 2005 the Government also allowed PHR representatives to examine a limited number of detention facilities.

In May 2005 the authorities established a committee to investigate the 1996 Abu Salim prison riot, in which a large but unknown number of prisoners died. 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, 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 Switzerland-based Libyan Human Rights Solidarity (LHRS), government officials notified 112 families that a family member died in the incident, but officials did not provide a body or explain the cause of death. An additional 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, has been held incommunicado since 2005, when government officials moved him from Abu Salim to an unknown facility.

Unlike in previous years, the Government allowed the United National High Commissioner for Refugees (UNHCR) local office regular access to detention facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions. There were reports that security forces arbitrarily arrested and detained citizens during the year.

On April 19, authorities reportedly released Kamel Mas'ud Al Kilani, who was arrested, taken to an unknown destination, and detained for 10 months, according to the 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.

According to a December 4 HRW report, security forces detained an outspoken regime critic, Idrees Mohammed Boufayed, on November 5. On September 30, Boufayed returned after living in Switzerland for 16 years. HRW reports that security agents confiscated Boufayed's passport upon his arrival in the country. Security agents came to Boufayed's home and ordered him to report to the local Internal Security Agency office where they then ordered him to report to the agency's main office in Tripoli. On December 29, security forces subsequently released Boufayed.

AI reported that security officials detained Mahmoud Mohammed Boushima, a government critic resident in the UK since 1981, during a July 2005 trip to the country. He remained in custody at year's end.

Role of 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 numerous, serious human rights abuses with impunity, including the detentions of al-Kilani, Boufayed, and Boushima (see section 1.d.).

Many citizens perceived corruption as a severe problem. Perceptions of favoritism based on family or personal connections were widespread (see section 3).

Arrest and Detention.—The law provides that detainees can be held after arrest for up to 48 hours at a police station. They must then be brought before a prosecutor, who can hold them for six days for investigation. While the law requires that detainees be informed of the charges against them, this law was not enforced in practice. Detainees must then be brought before a judicial authority at regular intervals of 30 days to renew their detention order.

By law bail must be set for pretrial detainees, detainees must have access to counsel, and public defenders represent those who cannot afford a private attorney. Detainees reportedly did not receive information on their rights to legal representation during interrogation. According to authorities detainees have access to family members.

Incommunicado detention was a problem. The Government held many political detainees incommunicado for unlimited periods in unofficial detention centers controlled by members of the revolutionary committees. The Government reportedly held hundreds of political detainees, many associated with banned Islamic groups, in prisons throughout the country, but mainly in the Abu Salim prison. Some human rights organizations estimated there were approximately two thousand political detainees, many held for years without trial. Hundreds of other detainees may have been held for periods too brief (three to four months) to permit confirmation by outside observers.

According to a September 13 HRW report, in 2005 migrants and refugees in detention centers complained consistently of not being informed of the reason for their arrest, lengthy periods of pretrial detention, and restricted access to a lawyer.

Women and girls suspected of violating moral codes reportedly were detained indefinitely in "social rehabilitation" homes (see section 5).

Amnesty.—On September 3, as part of its annual Revolution Day commemoration, the Government reportedly pardoned 1,700 prisoners, including foreigners, serving sentences related to civil 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 NGOs cited the 1971 and 1972 "Protection of the Revolution" laws (see section 1.d.). 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. Qadhafi may 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 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. In addition, the jurors apply the Shari'a principles in cases involving personal status. 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, which rules by majority decree. The court has chambers for civil and commercial, criminal, administrative, constitutional, and Shari'a. The GPC elects the presiding President and other members of the Supreme Court.

The Supreme Council for Judicial Authority is the administrative authority of the judiciary that handles appointments, transfers, and disciplinary matters.

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 to have one.

In January 2005 the GPC abolished the People's Court, a special tribunal outside of the judicial system, which violated fair trial standards during the prosecution of political cases. However, in the past the revolutionary committees convened national security courts to try political offenses. Such trials often were held in secret or in the absence of the accused. The Government must review all past cases of prisoners found guilty by the People's Court. Reviews were ongoing at year's end.

In 2004 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 (see section 1.c.). International observers reported serious concerns about the lack of investigation into allegations of torture and delays in bringing the case to a conclusion. In December 2005 the Supreme Court accepted the appeal of the medics and ordered a retrial by the criminal court, which began on May 11. 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. At the December 19 conclusion of the retrial, the court announced sentences of death for the six health workers. At year's end the Supreme Court was reviewing the verdict.

Political Prisoners and Detainees.—A large but unknown number of individuals were convicted and imprisoned for engaging in peaceful political activity over a number of years for belonging to an illegal political organization. The law bans any group activity based on any political ideology contrary to the principles of the 1969 revolution.

At year's end political activist and Qadhafi critic Fathi Al-Jahmi remained in incommunicado detention. In 2002 security forces detained Al-Jahmi after he called publicly for democratic reforms and released him in March 2004. The Government detained him again two weeks later after he gave several interviews to foreign press calling for reforms. In May 2005 HRW visited Al Jahmi, and he stated that he faced three charges: trying to overthrow the Government, slandering Qadhafi, and contacting foreign authorities. According to HRW the Government contended it arrested Al-Jahmi both for telephoning foreign officials and "providing them with information with the purpose of making their countries hate the Great Jamahiriya," and also for conspiring to serve the interests of a foreign country. HRW reported that Al-Jahmi's lawyer believes these charges could carry the death penalty. According to a May 4 HRW report, the Government had not brought formal charges against Al-Jahmi, and the case was still under investigation.

On March 2, the Government released journalist Abd Al Razia Al Mansuri, whom it reportedly held incommunicado after his January 2005 arrest. According to HRW Al Mansuri wrote Internet articles critical of the Government and society. The Government claimed to have arrested and sentenced Al Mansuri in October 2005 for illegal possession of a handgun.

Civil Judicial Procedures and Remedies.—Courts of first instance have the authority to hear civil, criminal, and commercial cases. Civil cases, like criminal cases, may be appealed. The Supreme Court is the court of appeals for all civil cases and has a separate chamber devoted to civil matters. In practice citizens did not have access to courts to seek damages for, or cessation of, a human rights violation. 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.

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 reportedly monitored the Internet.

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. Exiles reported that family members of suspected government opponents were harassed and threatened with detention.

Collective punishment was inflicted on the relatives of individuals, particularly oppositionists convicted of certain crimes. The law provides for punishments including the denial of access to utilities (water, electricity, and telephone), fuels, food supplies, official documents, participation in local assemblies, and the termination of new economic projects and state subsidies.

There were no reports of the application of the purge law that provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such undetermined 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 press, particularly any criticism of government officials or policy. According to Reporters Without Borders (RSF), press freedom slightly improved since 2005. The Government tolerated some difference of opinion in people's committee meetings and at the GPC.

The Government prohibited all unofficial political activities. By law many forms of speech or expression may be interpreted as illegal. Pervasive self-censorship stemmed largely from the wide reach of security services and broad networks of informants throughout society (see section 1.f.).

On March 2, the Government released Abd Al Raziq Al Mansuri, who was arrested in January 2005 after publishing articles critical of the Government and society on a foreign Web site (see section 1.e.).

At year's end the Government continued to detain political activist Fathi Al-Jahmi after he denounced the regime to foreign media (see section 1.e.).

In May 2005 unidentified individuals abducted and killed journalist and out-spoken government critic Daif Al Ghazal. In June 2005 authorities found his body and later detained two men in connection with an open investigation (see section 1.a.).

The Government owned and controlled virtually all print and broadcast media. The official news agency, JANA, was the designated conduit for official views. The Government did not permit the publication of opinions inconsistent with official policy. A single privately-owned radio station, broadcasting popular music and hourly JANA news reports, reportedly opened with government permission. Local revolutionary committees published several small newspapers.

Few foreign publications were available. The Government routinely censored foreign publications and at times prohibited their distribution. On July 1, an offshoot of the semi-official Qadhafi International Development Foundation began distributing foreign publications for the first time within the country. 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, although the Government censored foreign programming at times.

Internet Freedom.—A sole service provider offered Internet access. The number of Internet users was small but growing. According to the United Nations Development Program (UNDP), approximately four 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.

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.

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. The Government permitted public assembly only with its express approval and only in support of the Government's 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 (see section 3). Political activity deemed

treasonous by the Government carries the death penalty. Such an offense may include any activity inconsistent with the principles of the 1969 revolution.

c. Freedom of Religion.—There is no explicit law addressing religious freedom; however, the Great Green Charter on Human Rights of the Jamahiriya Era of 1988 provides a basis for some degree of religious freedom.

The Government regulates mosques, religious schools, and clerics operating within the country to insure all views are in line with the state-approved form of Islam. The Government strongly opposes militant forms of Islam, which it views as a threat. The Government was tolerant of other religious groups but prohibited the proselytizing of Muslims. The World Islamic Call Society (WICS), an international education institute headquartered in Tripoli, aimed to provide Muslims from outside the Arab world with a broad education in literature, history, science, and religion. In addition, WICS also organizes vocational training programs and brings academic speakers to the country. WICS also maintains relations with non-Muslim religious groups in the country, including Christian churches.

Christian churches operated openly and were accepted by the authorities; however, the Government imposed a limit of one church per denomination per city and prohibited proselytizing of Muslims. There were no official places of worship for minority religions such as Hinduism, Buddhism, and the Baha'i Faith.

A noncitizen female who marries a Muslim citizen was 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 are Muslim, and marriages between non Muslims were unacceptable. Burial of non-Muslims was not possible in Tripoli.

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. In 1974 the World Jewish Congress reported no more than 20 Jews resident in the country.

The Government renovated a former Jewish school in Tripoli, which now serves as a city archive. In the absence of a Jewish community, there was no functioning synagogue.

In 2004 Qadhafi called for compensation for Jews whose property was nationalized by the Government after 1948. Discussions regarding possible compensation for confiscated communal property have been ongoing since 2004.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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 law on travel documents provides for these rights, and the Government generally did not restrict the freedom of movement within the country. Authorities routinely seized the passports of foreigners married to citizens upon their entry into the country.

The law does not allow, nor does the Government impose forced exile as a punishment. The Government continued to encourage dissidents resident abroad to return and publicly promised their safety; however, HRW and AI reported two examples where the Government detained dissidents returning from exile despite promises to the contrary (see section 1.d.). The Government reportedly interrogated students returning from study abroad.

Protection of Refugees.—There was no established system to protect refugees or national legislation to determine refugee and asylum status; therefore, the Government did not grant refugee status or asylum. The country is not a party to the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol; however, it 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 they feared persecution.

While the Government has not signed a formal cooperation agreement with the UNHCR, the local UNHCR office had regular access to government officials and facilities and was able to conduct its work without significant restrictions.

The law prohibits the extradition of political refugees. Unlike in previous years, the Government did not forcibly return any refugees. According to UNHCR the Government started to differentiate between legitimate refugees and asylum seekers and other economic migrants; however, most Libyans failed to distinguish legitimate refugees and asylum seekers from the large immigrant population.

During 2005 approximately 12,600 refugees were registered with the UNHCR, although UNHCR estimates there were 30,000 refugees in the country. During the year UNHCR reported an increase in the number of refugee applications, which contributed to an eight month waiting period for asylum seekers to receive an appointment with the organization. The majority of refugees are Palestinians and Somalis, followed by smaller numbers from Chad, Liberia, Guinea, and Sierra Leone.

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 inform diplomatic representatives when their nationals were detained. There were reports of authorities leaving noncitizens in the desert without any aid. 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 law makes no provisions for elections, and citizens do not have the right to change their government. The country's governing principles stem from 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 Qadhafi and his close associates monopolized government decisions.

In August 2005 the quasigovernmental Qaddafi International Development Foundation, headed by Qadhafi's son Saif Al-Islam, launched an initiative calling for political reform, including greater press freedom, the release of political prisoners, and compensation for those who had been unfairly harmed by state actions. At year's end there were no new developments to the foundation's initiatives.

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, which include vocational, production, professional, and crafts congresses. Voting for the 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 three 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 and appeared to be increasingly marginalized.

Elections occur every three 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. The election process continues through the hierarchy of people's congresses, until the GPC chooses the General People's Committee, which manages the daily affairs of the Government.

According to this year's UNDP report, women held 4.7 percent of the 760 seats in the General People's Committee. There was no reliable information on the representation of minorities in the Government.

Government Corruption and Transparency.—Government corruption was perceived to be a severe problem and favoritism, based on family ties, contributed to government inefficiency.

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 Attitude 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 impose imprisonment for forming or joining international organizations without government authorization (see section 2.b.).

Associations engaging in unauthorized political activity are 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 sponsor-

ship of the semiofficial Qaddafi International Development Foundation, followed government policy priorities rather than operating an independent entity.

The Government slowly began to allow foreign nongovernmental organizations greater access. From April 17 to 25, a National Democratic Institute delegation visited for the first time to assess its political system and to gather information on the state of civil society. RSF conducted a fact-finding mission from September 13 to 17. The Government permitted a three week visit by a HRW delegation in May 2005 and a PHR delegation in March 2005. In 2004 AI visited after a 15 year absence.

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 continue to discriminate against women. Shari'a law 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; however, it reportedly remained a problem. Abuse within the family rarely was discussed publicly.

The law prohibits rape. The convicted rapist of a girl must marry the girl, with her agreement, or serve a prison term of up to 25 years.

The law does not distinguish between rape inside or outside of marriage. According to testimony by government officials before the United Nations, spousal rape occurred and was resolved by "social solutions."

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.

The law prohibits prostitution; however, the authorities tolerated it.

Women and girls suspected of violating moral codes reportedly were detained indefinitely in "social rehabilitation" homes, which provide 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 reaches the "legal age" of adulthood (18 years old); if a male relative takes custody of her; or if she consents to marriage. According to HRW the Government routinely violated women and girls' human rights in the home, 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 Women's Affairs, under the GPC secretariat, collects data and oversees the integration of women into all spheres of public life. The General Union of Women's Associations, established by the Government as a network of nongovernmental organizations, addresses women's employment needs. Traditional restrictions discourage women from playing an active role in the workplace and inhibit employment by women.

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 protects children's rights and welfare. Libya ratified the UN Convention of the Rights of the Child in 1993.

The Government subsidized primary, secondary, and university education, and primary education was compulsory until age 15. According to a 2003 UNDP report, 96 percent of school age children attended primary school and most reached at least a sixth grade level. Only 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.

The law prohibits child abuse, and that prohibition was respected in practice.

Trafficking in Persons.—The law prescribes punishments for trafficking in persons.

Women were believed to be trafficked through the country from Africa to Europe. Traffickers sometimes coerced persons into commercial sexual exploitation or forced labor in the country. Moroccan women reportedly were trafficked to the capital for commercial sexual exploitation. International organizations heard frequent complaints from foreign workers whose employers confiscated their passports or failed

to pay their salaries (see section 6.e.). The Government engaged in joint collaborations with other affected countries to combat illegal migration but did not address trafficking. Authorities did not screen illegal immigrants and those arrested for prostitution for evidence of trafficking prior to deportation or prosecution.

Persons With Disabilities.—The law safeguards the rights of persons with disabilities and provides for monetary and other types of social care; however, the Government had limited effectiveness implementing provisions. There are 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 ancestry constituted 97 percent of Libyan citizens. The principal minorities were Amazighs and sub Saharan Africans.

There were frequent allegations of discrimination based on tribal status, particularly against Amazighs in the interior and Tuaregs in the south.

The law, as well as the Names Correction Committee, discriminates against non Arabic languages and does not recognize the right of individuals to use their tribal names. The ban on the registration of non Arabic names prevented the Amazighs from naming children in their language.

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 the Government respected this right in practice. Members of each profession may form their own unions and syndicates to defend their professional rights. Workers may join the National Trade Unions' Federation, which is administered by the people's committee system; however, the Government prohibited foreign workers from joining this organization. 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.

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. In January the Government shortened the standard work week from six days to five days.

There were no export processing zones.

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 provides that children under the age of 18 may not be employed in any form of work, unless it is done as a form of apprenticeship. There was no information available on the prevalence of child labor.

There was no information regarding whether the law limits working hours or sets occupational health and safety restrictions for children. The Ministry of Manpower 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. During the year the Government shortened the legal work week 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. A public sector wage freeze imposed more than a decade ago continued. The highest salary under the wage freeze was $227 (300 dinars) per month; many families lived on a significantly lower income. In July 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 health and safety standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies.

There was no information regarding whether workers may 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 is a monarchy with a constitution, an elected parliament, and a population of approximately 30 million. According to the constitution, ultimate authority over all branches of government rests with King Mohammed 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 2002 parliamentary elections for the lower house were widely regarded as free, fair, and transparent. There were 35 political parties in the country. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change fully their form of government. 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. Judicial independence from the executive branch of the Government remained a problem. 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. Security forces disbanded, sometimes with excessive force, monthly demonstrations by unemployed university graduates in front of the parliament.

In March the Government enacted an anti-torture law, which defines torture as a criminal offense punishable by long prison terms. In accordance with recommendations made by the Equity and Reconciliation Commission (IER), the Consultative Council on Human Rights(CCDH), paid compensation to victims of human rights abuses and identified some of the graves of those who disappeared during the period between 1956 and 1999. During the year, the CCDH promoted adherence to human rights laws.

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 July 3, 50 to 70 Africans attempted to cross illegally into Melilla. According to press reports, three migrants were killed, and eight were injured seriously. The Government confirmed the deaths of only two migrants; the cause of the third migrant's death remained unknown at year's end.

In October 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. In November 2005 the Government stated that 11 migrants died. The Government repatriated the remains of the illegal migrants killed in the incident.

At year's end the cases against the two policemen arrested for being complicit in the killing of Hamdi Lembarki were being adjudicated in the court system. In October 2005 Lembarki died in Laayoune, Western Sahara, during a demonstration in support of Western Saharan independence. According to media reports, eyewitnesses claimed that police beat Lembarki to death.

In December 2005 in Casablanca the Government identified between 80 and 100 individuals in a mass grave. The individuals were some of those who disappeared during the 1981 demonstrations against increases in food prices. On September 14, in Er-Rachidia, the CCDH identified the graves of the two leaders of the 1973 antigovernment riots.

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

In 2004 King Mohammed VI formed the IER to investigate forced, long term disappearances of individuals who opposed the Government and its policies between independence in 1956 and 1999. Prior to the formation of the IER, authorities confirmed only 100 disappearance cases.

From January 2004 to November 2005, the IER investigated egregious human rights abuses and determined levels of compensation for specific cases of arbitrary detention and disappearance. From December 2004 to April 2005, victims of human rights abuses and/or their families testified before the IER. The IER received 22,000 applications and assessed 16,861 of these to determine appropriate compensation. Human rights groups and families continued to claim that the IER did not acknowledge many cases of disappearances, many from the Western Sahara (see section 4).

The IER's final report announced that the IER resolved 742 disappearance cases and 66 outstanding cases would be investigated further by a follow-up committee of the CCDH. In total, the IER responded with compensation packages to 9,779 victims, and it recommended assistance for those in need of medical attention or rehabilitation as a result of the violations they had suffered. The IER's mandate did not allow the names of individuals responsible for the human rights abuses to be made public. The IER 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.

On July 12, members of the nongovernmental organization (NGO) Forum for Truth and Justice (FVJ) planned a demonstration in Rabat where some graves of victims of forced disappearance are thought to be located. The press reported that the police prevented the FVJ members and the families of the victims from accessing the site (see section 2.b.).

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, according to local and international human rights organizations, lawyers, prisoners, and detainees, members of the security forces tortured or otherwise abused detainees. The penal code stipulates sentences up to life imprisonment for public servants who use or allow the use of violence against others in the exercise of their official duties.

On March 16, the Government amended the penal code by enacting a specific anti-torture 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.

On April 4, Brahim Dahane, a Sahrawi prisoner, who is President of the Sahrawi Association for the Victims of Human Rights Abuses (SAVHRA), accused the judicial police of beating him severely when he was being transported from the Laayoune (Western Sahara) prison to the courthouse. Spanish press reported that Dahane showed no evidence of beating prior to being placed in the transport vehicle. According to the Ministry of Justice, Dahane never officially claimed that he had been beaten.

On December 10, International Human Rights Day, a demonstration took place in Laayoune to support Western Saharan independence. The demonstration was not approved by the Government. According to SAVHRA, security forces beat six individuals, including Dahane. The Ministry of Justice determined that five people were beaten.

Prison and Detention Center Conditions.—Prison conditions remained poor and generally did not meet international standards, despite some improvements in medical care. Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons. During the year the Government made progress in building new prison facilities and rehabilitating existing prisons. In August new visitor facilities were inaugurated in a Casablanca prison. During the year, six education centers, primarily for vocational training, were completed. Pretrial detainees were not held separately from convicts. The Government allocated a larger part of its budget to address health and sanitation issues in prisons.

c. 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; for example, they sometimes did not identify themselves at the time of arrest of suspects, nor always obtain warrants, according to local NGOs and associations. The police held some detainees without charging them, according to local NGOs and lawyers; or, if charged, the detainees were sometimes denied a public preliminary judicial hearing within a reasonable period.

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), the

Mobile Intervention Corps, and the Auxiliary Forces are independent entities. The Royal Gendarmerie reports to the Ministry of Defense and was responsible for law enforcement in rural regions, including national highways. The Department of Royal Security reports to the palace.

The DGSN managed the border and immigration services. The main federal investigative body, the National Brigade, investigated violations of the penal code, terrorism, organized crime, and white collar crime. The DGST and the Auxiliary Forces had security functions.

While the police were effective, corruption and impunity remained a problem. The Ministry of the Interior investigated accusations of police abuse and corruption. On September 15, it removed eight security force members and four government officials accused of illegal behavior. The Ministry of the Interior disbanded the Urban Security Group (GUS), which had developed a reputation for abuse. GUS personnel became part of the general police ranks.

All aspects of police training, funded by a variety of sources, occurred throughout the year and were effective.

Arrest and Detention.—Police may make an arrest following a general prosecutor's issuance of an oral or written warrant, although in practice authorities sometimes issued warrants after the fact. Authorities denied defendants access to counsel or family members during the initial 96-hour period of detention, which was when police interrogated detainees and abuse or torture was most likely to occur (see section 1.c.).

Under the 2003 antiterrorism law, those arrested may be held for 96 hours, with two additional 96-hour extensions allowed at the prosecutor's discretion.

The law provides for a limited system of bail; however, it 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. This provision was respected in practice. 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, but this provision was not always respected in practice. Because of delays in contacting family, lawyers were not always informed promptly of the date of arrest and were not able to monitor compliance within the administrative detention limits. Unlike the previous year, there were no reports that some members of the security forces extended detention limits.

On August 7, the Ministry of the Interior announced it had dismantled a terrorist cell. By the end of August, the Government arrested 52 individuals, including four women. The women were accused of being financiers of the cell. The cell members were detained with formal charges at year's end.

The Government held an unknown number of individuals because of suspected links to terrorist groups or for suspected involvement in the 2003 Casablanca attacks.

Amnesty.—On March 25, the King pardoned 216 prisoners in Laayoune (Western Sahara). In this group were 18 individuals identified as human rights activists by national and international NGOs. On July 31, the King granted royal pardons and commutation of sentences to 1,215 prisoners; on August 20, the King released 679 more; and on December 31, he released 549 more prisoners.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; nevertheless, the courts were subject to extrajudicial pressures. According to observers, corruption remained prevalent.

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; it temporarily dismissed three; two retired early; and the Government found one not guilty. At year's end the Government had not conducted any new disciplinary proceedings against judges; however, nine cases were adjudicated against legal professionals. In accordance with the 2004 law, judges who committed crimes were tried under the penal code. Since 2004 the Ministry of Justice sued 3,948 individuals in accordance with the 2004 law.

There are four levels in the common law court system: communal and district courts, courts of first instance, the appeals court, and the supreme court. All decisions made in criminal and civil matters in which the penalty exceeds approximately $33 (330 dirhams) may be appealed to the courts of first instance (regional courts). 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.

The supreme court is subdivided into five chambers: constitutional, penal, administrative, social, and civil. The constitutional chamber is composed of the President of the supreme court, three judges appointed by the King, and three judges appointed by the President of the chamber of representatives, the lower house. The supreme court is not a venue for criminal appeals cases.

There is a single court system under the Ministry of Justice, including administrative courts, commercial courts, and family courts. Military tribunals existed only for military personnel. The central audit court, which is the supreme audit institution, and nine regional audit courts also had judicial powers. Appeals courts heard cases against government officials accused of abuse of power.

At the Government's discretion, serious state security cases 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 Ministry of Interior, is constituted in these cases. The cases against the two policemen charged with Hamdi Lembarki's death were adjudicated in this manner (see section 1.a.).

Trial Procedures.—The law provides for the right to a fair public trial for all citizens; however, according to human rights NGOs, this did not always occur in practice, especially for those protesting the inclusion of the Western Sahara into the country. Juries are not used.

Although accused persons generally are brought to trial within an initial period of two months, prosecutors may request up to five additional two-month extensions of pretrial detention; thus, an accused person may be kept in detention for up to one year prior to 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 is provided. The Ministry of Justice is required to provide an attorney at public expense for serious crimes when the offense carries a maximum sentence of more than five years. Attorneys were not always appointed, however, or, if provided, they were poorly paid, resulting often in inadequate representation. Judges sometimes denied defense requests to question witnesses. Defendants are given the right to be present 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 charged that judges decided cases often on the basis of forced confessions, especially in cases of Islamists accused of terrorism (see section 1.c.) or in the cases of some Sahrawis. Police statements about detainees were sometimes used rather than 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 five years or more in prison. In practice defendants before appeals courts who are implicated in crimes with such a punishment have no method of appeal. The supreme court does not review and rule on cases sent to it by the appeals court; the supreme court may overturn an appellate court's ruling on procedural grounds only. As a result, defendants in crimes whose penalty was long periods of confinement did not often appeal. An investigation by an examining magistrate was mandatory only when life imprisonment or the death penalty was a probability.

Unlike in the previous year, there were no reports of unfair trials.

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. By the end of the year, the Ministry of Justice, often in cooperation with international NGOs, had trained 1571 judges and 2,303 legal clerks. Family matters for Jews were handled by the parallel legal system available to them (see section 2.c.).

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.

Civil Judicial Procedures and Remedies.—The national ombudsman resolves civil matters when the judiciary is unable to do so. The ombudsman reports the cases to the King, who has the final decision.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that the home is inviolable and that no search or investigation may take place without 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 terrorism. Plainclothes security officers who did not identify themselves or present search warrants conducted home searches. During the year the press reported that authorities searched and closed the homes of members of the Islamist Justice and Charity Organization (JCO) when these homes were being used for "open houses," places where JCO members allegedly held politically-oriented meetings, according to the press.

Government security services monitored without authorization certain persons and organizations, both foreign and domestic.

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, as long as Islam, the monarchy, and territorial integrity (the inclusion of the Western Sahara) were not criticized. Throughout the year several publications tested the boundaries of press freedom.

The 2003 antiterrorist law and the press code impose financial penalties on journalists and publishers who violate the restrictions related to defamation, libel, critical discussion of the monarchy, territorial integrity (advocating independence for the Western Sahara), and Islam. Prison sentences can be imposed on those convicted of libel, which resulted in self-censorship. The press code lists threats to public order as one of the criteria for censorship. Within these limits, politically diverse newspapers and weeklies published news and commentary and were often critical of government policies. The Government punished some persons who violated limitations on free speech.

On January 4, the Spanish-language daily La Manana, part of the Maroc Soir group, which includes Le Matin, Assahara Al-Magribiyya, and Maroc Soir, published an article criticizing the origins of King Hassan II's fortune and questioning the country's claims to the Western Sahara. The story was reprinted from the Web site "Spanish Friends of Morocco." On March 6, the courts fined the director of the Maroc Soir group, Hicham Snoussi, and the author of the article, Mohamed Douma, $20,000 (200,000 dirhams).

On January 29, authorities released Anas Tadili, the director of the Arabic-language newspaper Akhbar Al-Ousbouaa. He had been in prison since 2004 for libeling a minister.

There were no other reports of journalists in prison.

On February 16, the courts fined Le Journal editors Aboubakr Jamai and Fahd Iraqi $305,000 (3.05 million dirhams) in a Rabat civil court for defamation against the European Strategic Intelligence and Security Centre (ESISC). Le Journal had published an article on December 3, 2005, questioning the objectivity of a report the ESISC published on the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro). On April 16, this fine was followed by a criminal court fine of $5,000 (50,000 dirhams). The criminal court fine was paid December 26.

On February 15, the courts reduced the damages assessed in 2005 against TelQuel and three other Arabic-language newspapers, Al-Ahdath Al-Maghribiya, Al-Alam, and Al Ousbouiya Al-Jadida, from approximately $90,000 (900,000 dirhams) to approximately $50,000 (500,000 dirhams). The newspapers were accused of falsely accusing the President of the NGO the Moroccan Association for Aid to Children in Precarious Situations, Touria Bouabid, of embezzling funds. The newspapers claimed the articles were based on police records. Reporters without Borders (RSF) supported TelQuel by stating that the courts wanted to strangle the weekly financially. The dispute was settled privately between the parties in March.

On May 9, the court sentenced Driss Chaatan, the director of the Arabic-language weekly Al-Mishal, to a one-year suspended prison term and fined him approximately $10,000 (100,000 dirhams) for defaming a foreign President. Article 52 of the press code states that no head of a foreign state can be defamed.

On December 25, the Government charged Driss Ksikes, editor, and Sanaa Al-Aji, journalist, of the Arabic-language weekly magazine Nichane of defaming Islam and damaging public morality. An article the previous week explored humor about religion, sex, and politics. At year's end the publication remained banned.

On October 31, Nadia Yassine's trial was postponed until April 19, 2007. In June 2005 authorities summoned 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.

The Ministry of Communication issued directives and guidance and subsidized publications. The Government temporarily suspended publications it judged offensive, yet allowed suspended publications to continue operation. Unlike in past years,

the Government did not censor newspapers directly by ordering them not to report on specific items or events. The newspapers, however, practiced self-censorship. The Government registered and licensed domestic newspapers and journals. Unlike the previous year, there were no reports that the Government used the licensing process to prevent the establishment of new publications or the publication of materials that exceeded its threshold of tolerable dissent. Similarly, there were no reports that the Ministry of Communication controlled foreign publications by removing banned publications from circulation.

In 2005, according to the Ministry of Communication's 2005 print and broadcast media report, there were 468 newspapers: 260 Arabic, 151 French, six Tamazight (Berber), and one Spanish. There were also six electronic newspapers: three French, two Arabic, and one English. Circulation is estimated at 13 copies per 1,000 readers; only 1 percent of the population buys newspapers, although each newspaper is reportedly read by as many as five people. The Government owned the official press agency, Maghreb Arab Press. Through the Ministry of Communication, the Government subsidized most newspapers, including those critical of the Government. Government subsidies vary according to the percentage of the population reading the publication. There are five national independent Arabic daily newspapers (Assabah, Al Ahdath Al Magribiyya, Al-Massae, Assahifa, Annhara al-Magrigiyya), two French language daily newspapers (L'Economiste and Aujourd'hui le Maroc), five Arabic language weekly publications (Al-Watan, Al-Ayyam, Al-Osboua, Asdae, and Nichane), and four French language weekly publications (TelQuel, Le Journal, La Gazette du Maroc, La Vie Economique).

The Government owned Societe Nationale de la Radiodiffusion et de la Television, formerly Moroccan Radio Television. While nominally private and independent, the French-backed Medi 1 practiced self censorship. A government appointed committee monitored broadcasts. The Government owned the only television stations whose broadcasts could be received in most parts of the country without decoders or satellite dish antennas. During the year the Government licensed a new television and 10 radio stations. The Government phased the introduction of the radio stations during the year. Satellite dish antennas were widely used. The Government did not impede the reception of foreign broadcasts.

The Government did not allow the JCO newspaper, Rissalat Al Foutuwa, to be sold on newsstands.

According to a Committee to Protect Journalists (CPJ) report, in January 2005 authorities told editors of the Oujda-based weeklies Al-Sharq and Al-Hayat Al-Maghribiya to cease publication of their weeklies immediately for three months because of an article published in support of the 2003 terrorist attacks. Authorities imprisoned the editors for three months before they received a royal pardon. By the end of 2005, the publications resumed.

In June 2005 an appeals court upheld a 10-year ban on Ali Lmrabet's writing and a fine of $5,000 (50 thousand dirhams) after his April 2005 conviction of defaming a pro-government Sahrawi group. Lmrabet was obligated to publish the first verdict for 21 days in an Arabic-language newspaper at a cost of up to $120,000 (1.2 million dirhams). Lmrabet's newspapers, the French language Demain and the Arabic language Doumain, remained banned at year's end.

In August 2005 a court sentenced Ahmed Benchemsi, director of an independent French-language weekly magazine, TelQuel, and Karim Boukari, a journalist for TelQuel, to two months in jail for an article that allegedly defamed a parliament member. The magazine was also fined $100,000(one million dirhams). The case was appealed, the prison sentence was suspended, and the fine was reduced to the equivalent of $80,000 (800,000 dirhams) in December 2005.

The law requires the Ministry of Interior to justify to the courts any seizure or banning of domestic or foreign publications, suspension of the publisher's license, or destruction of equipment. The law provides for three to five year jail sentences, fines, and payment of damages for newspaper officials found guilty of libeling public officials.

Internet Freedom.—The Government generally did not block Internet access, although it did sometimes block selected Web sites. In November 2005 according to Human Rights Watch (HRW), authorities began blocking access to Internet sites advocating independence for the Western Sahara. Periodically until March, these sites continued to be blocked. In April authorities blocked the JCO Web site and continued to block it sporadically through year's end. During the year the Government blocked the site "Google Earth."

Academic Freedom and Cultural Events.—The Government restricted academic freedom. There was limited open debate on the monarchy, Islam, or the country's incorporation of the Western Sahara. Islamist groups controlled many student

unions and sometimes acted to constrain academic freedom. The Ministry of Interior approved the appointments of university rectors.

There were no restrictions on cultural events.

From March 15–30, during the annual book fair in Casablanca, the Government banned extremist Islamist literature.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association; however, it also permits the Government to suppress any demonstration or mass gathering.

On July 12, the press reported that the police prevented members of the FVJ from accessing the site in Rabat where some graves of victims of forced disappearance may be located (see section 1.b.).

Freedom of Assembly.—The Ministry of Interior 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. Unemployed diploma holders demonstrated monthly in front of the parliament. Intervention by the security forces was sometimes excessive.

On December 8, approximately 50 family members of Islamist prisoners demonstrated in front of the CCDH offices to protest the treatment of imprisoned family members. The police did not interfere.

On March 15, police intervened in a demonstration by the union of unemployed postgraduates outside of the parliament. The press reported that the police intervention was brutal. Attempts at self-immolation continued during demonstrations throughout the year; no individuals died.

In December 2005 during a police assault on a demonstration by the National Dependent Group of Unemployed Moroccans, five protesters attempted a collective self-immolation using gasoline; one of the protesters died after being hospitalized for burns.

Freedom of Association.—The constitution provides for freedom of association. The Government reported that more than 600 NGOs and associations are registered. According to a 2003 decree, new organizations are required to register with the Ministry of Interior. An organization must first submit its bylaws to the ministry. If the bylaws support the monarchy, Islam, and territorial integrity, i.e., the inclusion of the Western Sahara, 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 one week, it is not formally registered. Many organizations function without the receipts.

From March through July, the Government curtailed JCO activities throughout the country as unauthorized public gatherings, including closing JCO "open houses." On August 17, authorities arrested Mohamed Abbadi, the JCO leader in Oujda. The courts fined him $15,000 (150,000 dirhams), determined his house was illegally constructed, and demolished it.

The Ministry of Interior must approve political parties. In December 2005 the parliament passed legislation placing stringent conditions on political parties. The political party law requires parties to hold frequent national congresses and to include women and youth in party leadership structures. Public funding of parties is based on a party's total representation in parliament and the total number of votes received nationally. Under the law a party can be disbanded if it does not conform to the provisions of the law. To create a new party, a declaration must be submitted to the Ministry of Interior and signed by at least 300 co-founding members from one-half of the 16 regions of the country. The law reflected changes and revisions suggested by existing political parties and members of civil society.

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 prohibited the distribution of Christian religious materials for the purpose of proselytism and 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 the Koranic schools, religious training 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 have exceeded the bounds of religious practice or have become political in nature. The Government strictly controlled the construction of new mosques, requiring a permit for construction. Authorities instituted these measures to avoid exploitation of mosques for political propaganda, such as distributing pamphlets and raising funds, or for disseminating extremist ideas.

The Government generally tolerated activities limited to the propagation of Islam, education, and charity. From March through July, security forces disallowed JCO activities for being political rather than religious in nature. Security forces commonly closed mosques to the public after Friday services to prevent their use for unauthorized political activity. On August 29, the Ministry of Endowments and Islamic Affairs announced in the press and on television the closure of 17 mosques across the country. These mosques were reportedly closed for administrative reasons and to maintain the security of the population from religious extremism.

On May 3, the Ministry of Endowments and Islamic Affairs assigned the first group of 50 female guides (mourshidates) to mosques as part of a new course it designed to train men and women to be counselors and teachers in mosques throughout the country. Beginning in 2005 the Ministry of Endowments and Islamic Affairs also initiated a graduate-level theological course, part of which focused on Christianity and Judaism.

The Government's annual education budget provided funds for teaching Islam in public schools and religions instruction in separate Jewish public schools.

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. Unlike the previous year, 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.

The Government permitted the importation, display, and sale of bibles in French, English, and Spanish, but not in Arabic, despite the absence of any law banning Arabic-language bibles.

Islamic law and tradition calls for punishment of any Muslim who converts to another faith. Any attempt to induce a Muslim to convert is illegal.

On November 28, a foreign Christian was fined $50 (500 dirhams) and given a six-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 or hatred.

Representatives of the Jewish minority, estimated by community leaders to number approximately about four thousand, generally lived in safety throughout the country. The Jewish community operated a number of schools and hospitals whose services were available to all citizens. The Government provided funds for religious instruction to the small 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 were no separate family courts for other religious groups. The Government continued to encourage tolerance and respect among religions.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for freedom of movement; however, the Government restricted this right in the government-administered Western Sahara in areas regarded as militarily sensitive. Unlike the previous year, there were no reports that authorities denied passports to some persons opposed to government policy in the country.

The Ministry of Interior 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 emigres, including those with Israeli citizenship, freely visited the country. The Government also encouraged the return of Sahrawis who had departed the

country due to the conflict in the Western Sahara, provided that they recognized the Government's claim to the territory.

Protection of Refugees.—The 2003 Emigration and Immigration law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 UN High Commissioner for Refugees (UNHCR) is currently the sole agency in the country entitled to grant refugee status and verify asylum cases. The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR continued to evaluate claims of refugee status in its office in Rabat.

In practice the Government provided some protection against refoulement, the forced return of persons to a country where they feared persecution, and provided refugee status and asylum. The Government worked with the UNHCR to identify individuals seeking refuge and asylum. At years end, the Government of Morocco was very close to resolving the status of 76 sub-Saharan asylum seekers temporarily cared for by UNCHR in Oujda.

In October 2005 the NGO Doctors Without Borders (MSF) found approximately 500 illegal migrants in the Sahara desert, abandoned by the Government without food or water. The Government repatriated many of the migrants at its own expense prior to and following the MSF report.

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, although citizens did not have the full 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 35 cabinet level posts, including five sovereign ministerial posts traditionally appointed by the King (interior, foreign affairs, justice, Islamic affairs, and defense). The Ministry of Interior 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 in accordance with the constitution.

The constitution may not be changed without the King's approval, and only he has the power to put constitutional amendment proposals to a national referendum. Amendments can be proposed directly by the King or by parliament, which must pass a proposal with a two-thirds majority of both houses before sending an amendment to the King for a royal decree. Once there is a royal decree, 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.—In 2003 the Government held elections for positions on approximately 25,000 municipal councils. The Government listed official turnout at 54 percent. By most accounts the balloting was well organized, but there were allegations of corruption and vote buying in some races. The Government limited the participation of the Party of Justice and Development (PJD), the only Islamist party to participate in the elections, running candidates in 18 percent of the municipalities. Female candidates won 1.7 percent of municipal council seats while fielding 5 percent of the candidates. Following the elections council members elected new mayors in all cities.

In 2002 the Government held the first free and fair parliamentary elections. The election took place under a revised electoral code, including a proportional list system, which meant voters voted for parties and not individual candidates. There were candidates from 26 parties, and 52 percent of those eligible voted, according to government statistics. Observers noted that the absence of fraud and manipulation generally enhanced the credibility of overall reform efforts.

The parliament included 30 women who won seats reserved for women on the national list, plus five who won seats in their local districts. There were three female members of the upper house and two women on the council of ministers.

Government Corruption and Transparency.—There was a general perception in the country that corruption existed in the executive and legislative branches of government.

During the year Transparency International's (TI's) corruption perception index indicated that corruption was a serious problem. According to TI, in the past four years, the Inspection Generale de Finances (ICF), the Ministry of Finance's auditing

office, has documented, but not made public, reports showing evidence of gross financial fraud in banking, social security, the agricultural sector, public housing, state contracts, public companies, municipal councils, and in international aid projects.

In June 2005 the supreme council of the judiciary initiated disciplinary proceedings against seven judges (see section 1.e.). No new disciplinary proceedings against judges took place during the year; however, nine proceedings took place against legal professionals. The Ministry of Justice adjudicated 3948 cases in 2005.

On August 4, in preparation for the September 8 indirect elections for the chamber of counselors (upper house), the Ministry of the Interior and the Ministry of Justice issued a communique discouraging corrupt practices and reinforced regulatory laws. In the last quarter of the year, the Ministry of the Interior and the Ministry of Justice charged 35 candidates for seats in the upper house of parliament with fraud relating to the September 8 elections. Accused parliamentarians were barred from attending the opening session of parliament on October 8.

There was no freedom of information law.

The Government publishes new laws and regulations in the official gazette within 30 days after their passage or promulgation.

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

Domestic and international human rights groups generally operated without government restriction, and investigated and published findings on human rights cases. Government officials were generally cooperative with the groups.

National human rights NGOs recognized by and cooperating with the Government included: the OMDH, the Moroccan League for the Defense of Human Rights (LMDDH), and the AMDH. The AMDH did not cooperate officially with the Government but usually shared information. Since 2000 the Government has subsidized OMDH and LMDDH. There were also numerous regional human rights organizations. According to the Government, there were more than 600 registered NGOs and associations in the country.

The FVJ and the Moroccan Prison Observatory were two additional national human rights NGOs. Created by victims of forced disappearance and surviving family members, the FVJ's principal goal was to encourage the Government to address openly the issue of past forced disappearances and arbitrary detention. The OMP's main purpose was to improve the treatment and living conditions of prisoners.

Six human rights activists, who were arrested following the demonstrations in Laayoune (Western Sahara) in May 2005, were members of the FVJ, according to an Amnesty International (AI) report in August 2005.

The Government's attitude toward international human rights organizations depended on the sensitivity of the areas of the NGO's concern. During the year the International Committee of the Red Cross (ICRC), AI, and HRW visited the country.

Human rights training continued based on a 2002 agreement between AI and the Government for a 10 year human rights education program. The Ministry of Justice and the Ministry of National Education provided human rights education for teachers and, in cooperation with the ICRC, provided a curriculum for teaching international humanitarian law in schools. The Ministry of Justice 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 advised the King on human rights issues and began implementing the IER's recommendations.

In July 2004 the CCDH produced its first annual report on human rights, a report mandated in 2002 by the Government. The CCDH report focused at length on prison conditions and prison overpopulation. In December 2002 the King established a nonjudicial ombudsman to consider allegations of governmental injustices and thereby ensure respect for the rule of law and justice. The last report submitted was in 2004 and the CCDH reviewed it.

In January 2004 the IER began work. The authorities tasked the IER with determining reparations for families of disappeared persons and other victims of abuse, restoring the dignity of victims, providing for their rehabilitation and medical care to victims, and creating a thorough accounting of the events which led to human rights abuses and the circumstances of the crimes. The IER, headed by former political prisoner Driss Benzekri, had a one year mandate that was extended until November 30, 2005, due to the larger than expected number of petitions.

The IER staff interviewed petitioners, held public hearings on torture and disappearances, visited former prisons, met with individuals from regions that were particularly victimized, met with the families of victims, and interviewed witnesses of violations. The press widely publicized the IER's activities. Under agreement with

the IER, participants in public hearings did not disclose the names of persons they considered responsible for violations. While the IER had prepared for public hearings in the Western Sahara, they were not held.

In December 2005 the IER submitted its final report to the King, who released it to the public on January 15. A newly formed section of the CCDH was charged with ensuring compensation to victims and continued to follow through on the final IER recommendations. The IER's final report announced it had resolved 742 disappearance cases and 66 outstanding cases would be investigated further by a follow-up committee. In total, the IER responded with compensation packages to 9,779 victims, and it recommended assistance for those in need of medical attention or rehabilitation as a result of the violations they had suffered.

Section 5. Discrimination, Societal Abuses, Trafficking in Persons

The constitution prohibits discrimination based on race, sex, disability, language, or social status; however, traditional practice discriminated against women, particularly in rural areas.

Women.—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 for other legal and societal reasons, few women reported abuse to authorities.

There was substantial progress in making the public aware of problems concerning women, although public awareness was uneven. In 2004 the Ministry of Family Solidarity set up toll free numbers for victims of domestic violence in 20 centers throughout the country. The Government established the centers based on statistics relating to each category of violence as compiled by the Ministry of Justice and the size of the urban area. In March the Government established a National Observatory for Violence Against Women.

The law provides for severe punishment for men convicted of rape or sexual assault, and the authorities enforced the provisions. The defendants in such cases bear the burden of proving their innocence. Sexual assaults often go unreported because of the stigma attached to them. While not provided by law, victim's families may offer rapists the opportunity to marry their victims to preserve the family honor. Spousal rape was not a crime.

The law is lenient toward husbands with respect to crimes committed against their wives. Police are reluctant to become involved in what are considered private matters between husband and wife. Honor crimes, or assaults against women with the intent to kill are committed because of the perception that a woman's behavior brings shame on the family. No such crimes were reported during the year.

At the end of 2005, authorities discovered an international prostitution ring in the Ifrane area with links to Jordan. Trafficking in persons was a problem (see sections 5, Trafficking, and 6.c.).

Sexual harassment in the workplace is a criminal offense. There were no reliable statistics reporting on the extent of the problem.

The 2004 changes to the family law introduced a number of changes to the status of women. The 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. There is no longer a requirement for a marital tutor for women as a condition to marry; divorce is available by mutual consent; and limitations are imposed on the practice of polygyny.

The Ministry of Justice agreed to establish 70 family courts and trained judges to implement the reforms. At year's end the 70 courts existed (see section 1.e.). The family law relies much more heavily on the court system than the previous law. Time limits were established for the family courts to pronounce judgments; for example, a month for alimony cases and six months for divorces. The law generally accorded women the same treatment as men. The family law did not change inheritance rights; these continue to be based on Shari'a (Islamic law).

While many well educated women pursued careers, some of whom were chief executive officers and two were in the council of ministers, few women rose to the highest ranks in their professions. Women constituted approximately 35 percent of the workforce, with the majority in the industrial, service, and teaching sectors. Government statistics indicated that 22 percent of women were the primary wage earners for their families. The Government reported that the illiteracy rate for women was 39.5 percent in urban areas (74.5 percent in rural areas), compared with 19 percent for men (46 percent in rural areas). Women in rural areas were most affected by inequality. In July the Prime Minister announced a nationwide illiteracy rate of 39 percent. Women who earned secondary school diplomas had equal access to university education. During the last academic year, over 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 to 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; taught women basic hygiene, family planning, childcare, and promoted literacy.

Children.—The constitution provides for compulsory, free, and universal education for children between the ages of six and 15, and the Government increasingly sought to enforce the law. The Government was 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. In the last academic year, 51 percent of kindergarten-aged children were enrolled; for the current academic year, 61 percent were enrolled. The number of students enrolled after six years of age increased from 53.5 percent to 91 percent in the past year, according to the Ministry of National Education.

A May 2004 report from the Secretariat for Literacy and Non Formal Education estimated that as many as 1.5 million children between the ages of nine to 15 were not in school. During the academic year 2005–06, 216,200 students were enrolled in government remedial and vocational education programs.

According to the Ministry of National Education, 60 percent of the children completed ninth grade in the academic year 2005–06 (62 percent girls; 58 percent boys). The drop out rate for the lower grades was between three and four percent. The reduction in the rate was a result of boarding schools established in small towns and rural areas.

There were no reliable statistics on the number of girls married below the age of 18. In 2004 UN Children's Fund reported that 18 percent of all marriages were child marriages; 24 percent of these occur in rural areas and 13 percent in urban areas. Using the family status law, the Government, in coordination with international and national NGOs, informed women of their rights, partially in order to combat child marriages.

Child labor was a serious problem (see section 6.d.).

In 2003 the Government signed an accord with Spain to repatriate more than 6,000 unaccompanied minors. Upon returning to the country, the children encountered material difficulties and abuse on the streets, as well as abuse by border officials. Spain pledged funds for a rehabilitation center in the Tangier area to assist with the reinsertion of minors. At year's end, the center was not yet functional.

Trafficking in Persons.—The 2003 Immigration and Emigration law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. In 2005 the Government, international organizations, and numerous NGOs claimed the number of minors trafficked to Europe increased.

The 2003 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 anti-trafficking statutes punish traffickers and complicit public officials with penalties ranging from six months to 20 years imprisonment 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.

The country was a source country for men, women, and children trafficked to Italy, Spain, and other parts of Europe 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 to become sex workers 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. Females were often pressured into commercial sexual exploitation and involuntary servitude to pay for food and shelter.

Internal trafficking was a problem, particularly of women and young girls. According to the 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 sex tourists from Europe and the Arab Gulf states (see section 5).

Organized criminal gangs coordinated some of the clandestine migration to Europe, particularly the sub-Saharans transiting the country. Some of this activity may also include trafficking. Unlike the previous year, there were no reports that members of the security apparatus, such as border officials or police, ignored trafficking for financial gain. Most trafficking rings were small crime groups. There were unofficial reports that hotel personnel arranged to transport girls and young women from rural areas to cities to be used in commercial sexual exploitation.

In February officials dismantled a large international network which was trafficking and smuggling migrants from India, and arrested 70 suspects, including a police officer. At year's end the cases were being adjudicated.

In 2005, according to the Ministry of Interior, the Government adopted a strategy to fight trafficking based on five major pillars: security measures, legislation, the creation of institutions specializing in fighting illegal migration, international cooperation, and public awareness campaigns.

In 2005 the Government established two interagency coordinating bodies, the National Observatory of Migration, which served as an anti-trafficking in persons task force and formulated policy, and the National Agency for Migration and Border Surveillance. Anti-trafficking activities were primarily implemented by the Ministry of Interior. Clandestine migration was the purview of immigration officials; prostitution was a police issue; and child bride cases are reviewed by local authorities, who ultimately report to the Ministry of Interior. Law enforcement officers often participated in training and seminars relating to trafficking and human rights in general.

In 2005 the Government convicted three policemen for trafficking. The policemen served four months in prison and paid $100 (1,000 dirhams) fines. Eight members of the Force Auxiliares were also convicted of trafficking. They received four-year prison sentences, according to the Ministry of Justice. Four members of the military received from three months to one year for engaging in trafficking.

In the first half of the year, the Ministry of Interior reported that 90 criminal trafficking rings were disbanded. In June the Ministry of Justice announced that arrests of foreigners for perversion and pedophilia had increased by 26 percent compared to 2005.

In 2005, according to Ministry of Interior reports, the Government disbanded more than 300 criminal rings, some of which may have included traffickers. In 2005 the Government convicted three foreign citizens for engaging in child sex tourism and 10 other foreigners for trafficking in children.

According to the Ministry of Justice, 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.

The Government and the International Organization for Migration cooperated to conduct a survey that identified the most vulnerable persons, pinpoint the regions from which persons are trafficked, and propose the most effective methods of prevention.

Persons With Disabilities.—There are no laws to assist persons with disabilities. The Government has guidelines on how to deal with persons with disabilities, but these procedures have no legal status. Specifically, the law does not mandate access to buildings for persons with disabilities. While the Office of the Secretary of State for Families, Children, and the Handicapped attempted to integrate them into society, in practice integration largely was left to private charities. Typically, families supported persons with disabilities, and some survived by begging.

National/Racial/Ethnic Minorities.—The official language was Arabic; however, both French and Arabic were used in the news media and educational institutions. Science and technical courses were taught in French, thereby preventing the large, monolingual Arabic speaking or Tamazight (Berber)-speaking populations from participating. 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 additional French instruction to supplement the few hours per week 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. In 2005, responding to this concern, official media broadcasts in Tamazight (Berber) language increased from four to eight hours

a day. In September television programs were added for the first time in Tamazight. Tamazight language classes were included in the curriculum of 350 primary schools, affecting approximately 25,000 students.

Section 6. Worker Rights

a. The Right of Association.—The constitution permits workers to establish and join trade unions, although the laws reportedly have not been 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 44 hours per week and overtime hours were often required.

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 the previous year, 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 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 one 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 seven-day suspension. A second offense within one 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 the family workshops that dominated the handicrafts sector, employers routinely ignored labor laws and regulations, and government inspectors lacked the resources to monitor violations effectively.

In the Tangier Free Trade Zone, an export processing zone, the country's labor laws and practices fully apply. The proportion of unionized workers in the export zone was comparable to the rest of the economy, at approximately 6 percent.

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). In practice the Government lacked the resources to inspect the many small workshops and private homes where the vast majority of such em-

ployment occurred. Forced labor persisted in the practice of adoptive servitude in households (see section 5).

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 had difficulty effectively implementing these laws, except in organized labor markets. Noncompliance with child labor laws was common, particularly in the agricultural sector. In 2004 the International Program on the Elimination of Child Labor reported that 80 percent of the country's underage workers worked on family farms.

In 2005 the Government reported that there were 600,000 child workers, and 1.5 to 2 million children were not registered in school. Of those children between the ages of 12 to 14, 18 percent worked. In rural areas 19 percent of children between the ages of seven to 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 (see section 5).

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 one-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. It is prohibited to employ children under the age of 18 in stone quarries or underground work carried out in mines.

The labor law prohibited forced or compulsory labor, but these provisions were difficult to enforce.

The family law protects and gives rights to illegitimate and abandoned children, who have often found 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 approximately 66 thousand, and all of these workers were under the age of 15 according to the 2005 Secretariat of Families, Children, and the Handicapped report. Of this number 89 percent were recruited from rural areas, and 84 percent were illiterate. According to a December 2005 HRW report, the country denied child maids basic labor rights, and authorities rarely punished employers who abused children. In 2005 the Government arrested two employers of child maids on abuse charges. The court sentenced one employer to 18 months in jail. There was no further government information available on punishments for abusive employees.

The practice of adoptive servitude, in which urban families employed young rural girls and used 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, seven days a week, for salaries of U.S. $0.40 to $0.11 (0.4 to 1 dirham) per hour. Most child domestics did not receive any money directly; rather, they worked for food, lodging, and clothing. Children were also "rented" out by their parents or other relatives to beg.

The Ministry of Employment, Social Affairs, 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 ranging from approximately $2,800 to $3,300 (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 five to 10 years. The Government passed laws prohibiting begging that exploits children and the buying and selling of child brides.

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 unlikely to provide any direct benefit.

In 2005 the Government committed $4.2 million (37.6 million dirhams) to a joint program of the Ministries of Employment, Health, and Social Welfare, through which the ministries will join with private organizations to offer vocational training, job placement, and micro-credits to assist adult beggars and the parents of child beggars.

e. Acceptable Conditions of Work.—The minimum wage was approximately $223.30 (2,023 dirhams) per month in the industrialized sector. It was approximately $5.60 (56 dirhams) per day for agricultural workers; however, businesses in the informal sector with 60 percent of the labor force often ignored the minimum wage requirements.

The lowest wage of the Government pay scale exceeded the minimum wage.

Neither the minimum wage for the industrialized sector nor the 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. They generally were paid between 13 and 16 months salary, including bonuses, each year.

The law provides for a 44 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 267,000, and administers Moroccan law and regulation in the estimated 85 percent of the territory it controls; however, Morocco and the Polisario Front (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 United Nations (UN) peacekeeping contingent, known by its French initials, MINUS (the United Nations 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 had not found "legal ties" that might affect UN General Assembly Resolution 1514 regarding the de-colonization 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, 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 sections.

In 1988 Morocco and the Polisario accepted the joint Organization of African Unity/UN 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 UN 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 UN 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 August 2005 the UN Secretary General appointed Peter Van Walsum to oversee the political process as the personal envoy replacing Baker, who resigned in June 2004.

On October 31, the Security Council adopted Resolution 1720, extending MINUS and its 227-member military staff until April 30, 2007. The resolution called on member states to consider making contributions to fund confidence-building measures to allow for increased contact between family members separated by the dispute, which UN Secretary General Kofi Annan called "deadlocked" in a report to the Security Council. Confidence-building measures stalled in June because of the inability of the parties to agree on locations and schedules of meetings. The measures resumed November 3. The United Nations High Commission for Refugees (UNHCR) maintains a separate office in Laayoune to coordinate these measures.

On October 9, an internal report by the Office of the High Commissioner for Human Rights' (OHCHR) criticizing the Moroccan government for denying the right of self-determination to the Sahrawi people was unexpectedly made public. The report accused Morocco of abusing the rights of pro-independence activists in the disputed territory and using excessive force against protestors. The Moroccan government claimed that the report did not cover violations of human rights attributable to the Polisario, as OHCHR was denied access to areas controlled by the Polisario. Sahrawi NGOs, including the Association des Portes Disparus au Polisario (the Association for those who Disappeared Because of the Polisario, APDP), also criticized the report in an October 19 letter to the United Nations. The APDP claimed there are 800 missing persons; however, it can verify only 294. The Moroccan press claimed the report was biased toward Algeria.

A substantial Moroccan government subsidy aided migration to and development in the portions of the territory under its control. The Moroccan government subsidized incomes, fuel, power, water, housing, and basic food commodities for its citizens living in the Western Sahara and Sahrawis. In 2004 the Moroccan government initiated a five year approximately $800 million (7.2 billion dirhams) development program for all of what it called its "southern provinces," most of which are the territory.

The Moroccan constitution and laws applied to the civilian population living in the territory under Moroccan administration. Political rights for the residents remained circumscribed, and citizens did not have the right to change their government. UN observers and foreign human rights groups maintained that the Moroccan government subjected Sahrawis suspected of supporting independence and the Polisario to various forms of surveillance.

Since 1977 the Western Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed Dahab since 1983) have participated in Moroccan national elections. In the 2002 Moroccan parliamentary elections, Sahrawis with political views aligned with the Moroccan government filled all the seats allotted to the territory. In 2003 the Moroccan government conducted municipal elections in Morocco and the Western Sahara. No Sahrawis opposed to Moroccan sovereignty were candidates in the elections. According to Moroccan government statistics, the national election turnout was 54 percent, including 68 percent in the territory.

On March 25, King Mohammed VI appointed a new Royal Consultative Council for Saharan Affairs (CORCAS). The council, which met throughout the year, was charged with developing an autonomy plan for the territory within the context of the Moroccan state.

On April 11, a delegation of Spanish regional parliamentarians from Murcia, who supported independence for the Western Sahara, were denied entry by the local authorities.

Demonstrations limited in size continued intermittently throughout the year. On March 19, Hammoud Iguilid, President of the Laayoune branch of the Moroccan Association for Human Rights (AMDH), was arrested and, according to AMDH, tortured.

On April 4, Brahim Dahane, a Sahrawi prisoner, who is President of the Sahrawi Association for the Victims of Human Rights Abuses (SAVHRA), accused the judicial police of beating him severely when he was transported from the Laayoune prison to the courthouse. Spanish press reported that Dahane showed no evidence of abuse prior to being placed in the transport vehicle. According to the Ministry of Justice, Dahane never claimed officially that he had been beaten.

On March 27, the King pardoned 219 Sahrawi prisoners held in Morocco and the territory. Among them was Aminatou Haidar. Upon release, she was free to travel unimpeded both inside and outside the territory. Sahrawi activists claimed that 30

of those released were political prisoners and that there were 37 other political prisoners still detained. The Moroccan authorities do not identify any prisoners as "political prisoners." On April 23, the King pardoned 26 of the remaining 37 prisoners. Among them were Dahane and Ali Salem Tamek.

On May 10, the anniversary of the foundation of the Polisario Front, the Polisario Web site reported that demonstrations were held in Laayoune, Smara, Dakhla and Boujdour. Reportedly 26 students were expelled from various colleges for wearing traditional Sahrawi dress.

On August 17, according to SAVHRA, 18 prisoners in the Laayoune prison began a hunger strike. Moroccan government sources stated that no hunger strike occurred. Throughout the year, local NGOs reported intermittent hunger strikes by prisoners.

During the year the Polisario claimed that the Moroccan government violently repressed demonstrations on a regular basis throughout the territory.

On September 19, authorities sentenced Tamek Mohamed and Najiaa Bachir to four years in prison and Kajot Brahim and Driss Mansouri to three years. The cases against Waissi Elkharchi, Bougaraa Sheikh and Banga Sheikh were dismissed. All of these prisoners were charged with participating in illegal demonstrations in Laayoune but were charged in Agadir (Morocco).

The SAVHRA reported that Mohammed Tahlil, President of the Boujdor branch of the NGO, was arrested and allegedly drugged by security forces. On October 20, he was transported to the Laayoune prison. Pro-independence NGOs reported that this incident was one of several in Western Saharan cities during the month. The incidents allegedly included arrests, torture, intimidation, and provocation.

On December 10, on International Human Rights Day, a demonstration occurred in Laayoune in support of the independence of the Western Sahara. Six demonstrators were beaten, others were briefly detained, but no one was arrested.

In May 2005 and sporadically thereafter, 300 to 1300 individuals demonstrated in Laayoune, ostensibly protesting the transfer of a Sahrawi prisoner to Agadir. The Moroccan government arrested 37 demonstrators during and after the May 2005 demonstrations. Of those arrested, 12 received jail terms up to five years for damaging public property and using weapons against officials. Amnesty International (AI) claimed that demonstrators received prison terms up to 20 years. In May 2005 further demonstrations occurred in Dakhla. The Spanish press reported the number of participants to be as high as 1,500.

Demonstrations broke out again in Laayoune in October 2005 initially in support of the independence of the Western Sahara, and later to draw attention to the thirtieth anniversary of the Green March. One Sahrawi, Hamdi Lembarki, died of wounds from the previous day's demonstration. Authorities arrested two policemen in connection with Lembarki's death. At year's end the disposition of the cases was unknown.

The AMDH reported that the trials of the demonstrators in the May 2005 disturbances were unfair because charges were never clearly articulated, lawyers were denied access to their clients, and allegations of torture by Moroccan authorities were not investigated.

In December 2005 Human Rights Watch (HRW) sent an open letter to Moroccan King Mohammed VI concerning the detention of seven human rights activists. The activists were Ali Salem Tamek, Mohamed El Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Aminatou Haidar, and H'mad Hammad. The letter also raised concerns about seven other teenaged detainees. While the 14 had been arrested following the May through June 2005 demonstrations, in October 2005, during a subsequent demonstration, police arrested Brahim Dahane, the fifteenth person mentioned in the HRW letter. HRW visited Laayoune, examined case files of the defendants, and concluded that "little if any of the evidence implicating them in inciting, directing or participating in the violence [that is, the earlier demonstrations] appears to be credible."

In December 2005 the Laayoune Court of Appeal sentenced the seven human rights activists to jail terms ranging from seven months to two years. AI reported that the proceedings lasted only a few hours and that the defendants were not given the opportunity to challenge alleged oral confessions that police provided to the court. The defendants said that any alleged confessions were extracted only after torture or ill-treatment while they were held in detention. Those sentenced included Ali Salem Tamek, Mohamed El Moutaouakil, Houssein Lidri, Brahim Noumria, Larbi Messaoud, Aminatou Haidar, and H'mad Hammad. Seven other individuals were also sentenced in the same trial.

After holding Dahane for 48 hours following his arrest in October 2005, police reportedly charged him with belonging to an unauthorized organization, the SAVHRA,

of which he is the President. AI considered Dahane and the other seven defendants to be prisoners of conscience.

Some prisoners arrested after the May 2005 demonstrations launched sporadic hunger strikes; the Polisario claimed the figure was 37. While initially the Moroccan government said that only seven prisoners were on hunger strikes, it later stated that all 37 of the prisoners participated. The hunger strikes ceased in September 2005, but resumed sporadically until the end of 2005 and into 2006. AMDH wanted the Government to negotiate with those who had launched the hunger strike. The Government did not negotiate but provided medical attention to those on the hunger strike. Prisoners continued to participate in hunger strikes during 2006, although these were not the same prisoners as those in 2005.

Following the May 2005 demonstrations, Spanish delegations composed of journalists and regional politicians attempted to visit the Western Sahara. Moroccan authorities, who charged that the visits were politically motivated, prevented several delegations from disembarking from their aircraft. Morocco negotiated with Spain to agree to guidelines for visits to the territory. In 2005 Spanish journalists based in Morocco had regular access to the territory, although they complained of surveillance and harassment by the Moroccan authorities.

In April 2005 Moroccan authorities detained three Norwegian journalists in Laayoune who were covering a demonstration. The authorities interrogated two of the journalists and deported all three. Prior to the trial of 16 teenagers who participated in the May 2005 demonstrations in Laayoune, five Norwegians traveled overland to Laayoune from Morocco to show support for the teenagers, but Moroccan authorities stopped them and escorted them back to Morocco.

During the year, there were no confirmed reports of politically motivated disappearances in the territory under Moroccan administration. The SAVHRA, however, maintained a list of persons who allegedly disappeared or had been tortured since 1999. SAVHRA's total is over 500 persons; however, this number cannot be verified. In 1997 the Government pledged that such activities would not recur and agreed to disclose as much information as possible on past cases. Authorities stated that they had released information on all 112 confirmed disappearance cases. Human rights groups and families, however, claimed hundreds of cases remained outstanding, many from the territory. International human rights organizations estimated that between 1,000 and 1,500 Sahrawis disappeared in the territory. The disappeared persons were both Sahrawis and Moroccans who challenged the Government's claim to the territory or other government policies. Many individuals reportedly were held in secret detention camps.

In 2000 the Consultative Council on Human Rights (CCDH), a government organization, began paying reparations to Sahrawis or the family members of those Sahrawis who had disappeared or been detained. Urgent medical or financial needs were also paid. The Government announced that reparations would continue to be paid following the review of Sahrawi petitions.

In January 2004 the Equity and Reconciliation Commission (IER), established by the King, began to investigate egregious human rights violations that occurred between 1956 and 1999 throughout the country. The appointed members of the IER included human rights activists, members of civil society, and university professors. The IER's mandate was to assess the claims of individuals and/or their families, recommend reparations to victims and/or their families, restore dignity to the victims, provide for medical care and rehabilitation, and give a thorough accounting of the events that led to the human rights abuses and of the circumstances surrounding the abuses. By the conclusion of its mandate in November 2005, the IER had received 22,000 applications, many of which had to do with the territory. Investigative teams from the IER visited the territory on several occasions.

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 compounded by demonstrations, hearings in the territory 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. AMDH criticized the IER and its findings. During the documentation phase of its work, the Moroccan government identified approximately 63 of these as Sahrawi graves; however, AMDH claimed that many more Sahrawis died during detention.

In December 2005 the IER submitted the final report to the King. The report calculated how much compensation victims would receive and outlined recommendations on how to prevent similar abuses in the future. It also delineated the reasons for the abuses and the institutional responsibilities for the violations. In December 2005 the King ordered the publication and public release of the report. On January 15, the report was made available.

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 1999 MINUS completed the provisional list of eligible voters. The Moroccan government continued to contest the identification process. The Western Sahara, a traditionally tribal area populated by nomadic peoples, continued to experience migration and emigration following 1975. Tribal members who left the region were eligible to vote, but their direct heirs are not. The Moroccan government disagreed with this determination.

In August 2005 the Polisario released 404 Moroccan POWs, which accounted for all remaining Moroccan POWs, according to the UN.

There were credible reports from international organizations, Moroccan NGOs, and the released POWs that Moroccan POWs 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. 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.

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 claimed that refugee numbers at Tindouf were much higher, but it denied that any refugees were held against their will. The UNHCR and the World Food Program appealed regularly to donors for food aid, and distributed it to a population of approximately 155,000 in the refugee camps. The UN, however, reduced the planning figure to 90,000, partially in response to concerns about inflated refugee numbers. During February floods humanitarian aid to the camps increased; in August the amount of aid reverted to prior levels. Local advocacy groups in the Western Sahara protested against the treatment of the Sahrawi refugees in the Tindouf camps throughout the year.

In 2004 the UNHCR completed a six month program of confidence-building measures, highlighted by family visits that brought 1200 persons to meet for five days with long separated relatives. Most participants were Sahrawi refugees from the camps in Algeria visiting relatives in the Moroccan controlled territory. In 2005 approximately 19,000 Sahrawis registered to participate in the program, and the UNHCR transported 1,476 persons for visits. The confidence-building measures also included telephone exchanges between relatives in the territory and refugee camps in Algeria. The program was interrupted in August 2005 due to a lack of funding but resumed briefly in November and December 2005. On November 3, the UN resumed family reunion flights after a five month suspension with the intent to continue through the end of 2007, provided funding is available.

The Moroccan government restricted freedoms of expression, assembly, and association. In late November 2005 the Government blocked several Sahrawi-based Internet Web sites; the sites remained blocked until the King's visit to the Western Sahara on March 25. Sahrawi activists claimed that they were unable to form political associations or politically oriented NGOs. Moroccan authorities claimed that they did not intervene in any demonstrations until the demonstrators became violent and destroyed personal property.

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 Moroccan government and the Polisario restricted movement in areas regarded as militarily sensitive.

Some Sahrawis continued to have difficulty obtaining Moroccan passports. According to NGOs, eleven Sahrawis whose passports were confiscated more than three years ago were unable to regain them.

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.

The Moroccan labor code applied in the Moroccan controlled areas of the territory. Moroccan unions were present in those areas but were not active. The Polisario sponsored labor union, Sario Federation of Labor, was not active because the Polisario controlled territory did not contain major population centers or economic activity.

There were no 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, six days per week, which was well beyond the 10-hour day, 44-hour week maximum stipulated in the 2004 Moroccan labor code. Occupational health and safety standards were the same as those enforced in Morocco and were 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 2.5 million, ruled by Sultan Qaboos Al Bu Sa'id. In 1996 Sultan Qaboos, who acceded to the throne in 1970, issued a royal decree promulgating a "Law of the State," characterizing the country as "Arab" and "Islamic." Only the sultan can amend the country's laws, through royal decree. The 83 member Consultative Council (Majlis al Shura) is a representative advisory institution whose members were elected in 2003 by approximately 194,000 voters directly, freely, and fairly. The civilian authorities generally maintained effective control of the security forces.

Significant human rights problems remained. Citizens did not have the right to change their government, which is a "hereditary sultanate." The Government restricted freedoms of speech, the press, assembly and association, and religion. Despite legislated equality for women, discrimination and domestic violence persisted due to social and cultural factors. There were no registered domestic human rights NGOs and no government controlled or autonomous human rights entities in the country. There was a lack of sufficient legal protection and enforcement to secure the rights of migrant workers, particularly domestic servants. There were reports that migrant laborers in private firms and domestic servants were placed in situations amounting to forced labor, and that some suffered abuse.

Between July and November, the Government passed comprehensive legislation to improve workers' rights, allowing workers to create more than one union per firm and allowing more than one federation to represent workers in international fora. Decrees explicitly allow collective bargaining and the right to strike, while prohibiting dismissal of workers for union activity, raising penalties for child labor violations, providing stronger measures to enforce the prohibition of forced and coerced labor, and allowing unions and federations to practice their activities without outside interference. The Ministry of Manpower subsequently issued a legally enforceable administrative circular that prohibits employers from withholding workers' passports.

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.—Article 20 of the Basic Law prohibits such practices, and there were no reports that government officials employed them, unlike the previous year when there were accusations of police employing unnecessary force to disband protestors and of investigative judges threatening physical harm to uncooperative detainees.

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. No international observers requested to visit prisons or detention centers during the year. The Government permitted volunteers from local religious groups to visit prisons. The Government also allowed diplomatic rep-

resentatives to tour two deportation centers for illegal immigrants; these centers generally met international standards.

d. Arbitrary Arrest or Detention.—Article 18 of the Basic Law prohibits arbitrary arrest and detention; unlike previous years, there were no reports that police handling of arrests and detentions constituted incommunicado detention.

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 anti-smuggling 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.

Corruption was not perceived to be a widespread problem. 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 Director General of Human Resources for disciplinary action. There is no public information about the ROP's internal disciplinary action. Officers receive human rights training at the police academy. There were no instances in which the police failed to respond to societal violence.

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. The public prosecutor must, within 24 hours, formally arrest or release the person. Public attorneys were provided 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.

The police sometimes failed to follow legal procedures in practice. Unlike previous years, there were no reports that police handling of arrests and detentions constituted incommunicado detention. The police did not always inform detainees of the charges against them; nor did they always notify a detainee's family or, in the case of a foreign worker, the worker's sponsor, of the detention.

In some cases, foreign workers were detained without charges pending investigation of immigration status. Beginning May 8, and continuing throughout the year, police detained several thousand suspected illegal migrant laborers. Using police checkpoints and profiling, military and civilian security agencies detained persons unable to document their legal status in the country upon request, which required displaying both a valid labor card and a valid passport with visa. Women and children were deported, while the Government prosecuted men suspected of criminal activity. The Government stated its intention to deport all illegal aliens. The migrant workers were held in a special detention center until authorities could determine their immigration status or arrange deportation. Representatives of foreign diplomatic missions and local religious groups alleged that conditions in the deportation camp were harsh (see sections 2.d. and 5).

e. Denial of Fair Public Trial.—Article 60 of the Basic 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. An Administrative Affairs Council approves all judicial nominations, with the exception of the posts of the Supreme Court President, deputy President, and judge, who are appointed by a royal decree based on the council's nomination.

The Ministry of Justice 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 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 help form the civil, commercial, and criminal codes. Laws governing family and personal status are based on the Government's interpretation of Shari'a.

Trial Procedures.—Article 22 of the Basic Law provides for the right to a fair trial, and the judiciary generally enforced this right. The General Prosecutor's Office operates independently within the Ministry of Justice. 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, which consists of five judges.

A 1974 royal decree with subsequent amendments established rules of procedure for criminal cases, provided rules of evidence and procedures for entering cases into the criminal system, and detailed provisions for a public trial. 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.

The law provides for the presumption of innocence and the right to counsel. For defendants facing prison terms of three years or more, the law provides legal defense. Judges often pronounced the verdict and sentence within a day of the completion of a trial. Those convicted may appeal jail sentences longer than three months and fines over the equivalent of $1,250 (480 rials).

The administrative court, under the authority of the Diwan of Royal Court, reviews complaints about the misuse of governmental authority. It has the power to reverse decisions made by government bodies and can also award compensation. Appointments to the administrative court are subject to approval of the Administrative Affairs Council, with the exception of the posts of the court President and the court deputy President, who are appointed by a royal decree based on the council's nomination.

The State Security Court, created by royal decrees in 2003, tries cases involving national security and criminal matters that require expeditious or especially sensitive handling. The security court procedures mirror closely those applicable elsewhere in the criminal system. The sultan has exercised his powers to extend leniency, including in cases involving state security.

Ministry and security personnel are subject to a military tribunal system of justice.

Political Prisoners and Detainees.—There were no reports of arrests of political prisoners or detainees. Former parliamentarian Taybah al-Ma'wali was released from prison on January 30 after having been convicted on July 13, 2005, for insulting a public official and using a mobile phone to send allegedly slanderous and libelous text messages which criticized the Government's arrest of Ibadhi activists (see section 2.a.).

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 (see section 6.e.).

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, although the police often obtained them; the public prosecutor, not the court, issues them. The Government monitored both oral and written communications, including mobile phones, e mail, and Internet chat room exchanges (see section 2.a.). Citizens were required to obtain permission from the Ministry of Interior to marry foreigners, except nationals of the Gulf Cooperation Council (GCC) countries, and permission was not granted automatically. Marriages to foreigners may lead to the foreign spouse being 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.—Article 29 of the Basic Law provides for freedom of speech and of the press "within the limits of the law"; however, the law and government practice generally restricted freedom of speech and of the press. The law

prohibits criticism of the sultan in any form or medium, or "material that leads to public discord, violates the security of the state, or abuses a person's dignity or his rights." Articles 61 and 62 of the 2002 Telecommunications Act make it illegal to knowingly send a message via any form of communication that violates public order and morals or is harmful to a person's safety. Courts have interpreted these articles as meaning that it is also illegal to insult a public official. On January 30, the Government released Taybah al-Ma'wali, a former parliamentarian convicted of violating these articles based on her mobile phone messages that criticized the Government (see section 1.e.).

Journalists and writers generally exercised self censorship due to fear of government reprisal, while various media companies reportedly refused to publish articles by several journalists who previously had criticized the Government. Some journalists alleged that the Government maintained a "black list" of journalists and writers who cannot be published in the country. The authorities tolerated a limited degree of criticism of policies, government officials, and agencies, particularly on 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.

Censors enforced the Press and Publication Law, which authorizes the Government to censor all domestic and imported publications. Government censorship decisions were changed periodically without any declared reason. Ministry of Information censors acted against material regarded as politically, culturally, or sexually offensive. 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 those writers on the alleged "black list." Editorials generally were consistent with the Government's views, although the authorities tolerated some limited criticism regarding foreign affairs issues, including GCC policies, which the country participates in determining.

There were six daily newspapers: three in Arabic and three in English. Arabic language dailies Al Watan and Shabiba and English dailies Times of Oman and Oman Tribune were privately owned. There were 31 state owned and privately owned magazines published in the country.

The Government owned three radio stations and two television stations, the second of which began operations in October. The stations generally did not air politically controversial material. In October 2005 the Ministry of Information approved licenses for one private television station and three private radio stations, which were expected to begin operations in early 2007. Access to foreign broadcast information via satellite was widespread in the major urban areas, and satellite subscribers even were able to view Israeli Arabic-language programming.

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 that it considered pornographic, politically sensitive, or competitive with local telecommunications services. The rules and 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 placed warnings on 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. The Government also blocked voice over Internet protocol.

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. In 2005, Sultan Qaboos University did not renew a professor's contract after he made comments critical of the country's politics and culture. As a result, professors often practiced self-censorship. There were no reported cases during the year, however, in which the Government dismissed a professor or other teacher or academic for writings or speech.

The appropriate government authority, the police, or a relevant ministry must approve all public cultural events. Most organizations avoided controversial issues due to belief that the authorities might not approve such events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Article 32 of the Basic Law provides for circumscribed freedom of assembly "within the limits of the law," 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, allowing workers to strike, for instance, over the circumstances and conditions of work. While the Government has

not released updated statistics on the number of strikes that occurred during the year, the MOM reported six strikes in 2005.

Freedom of Association.—Article 33 of the Basic Law provides for freedom of association "for legitimate objectives and in a proper manner." Under the Law of National Associations, 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 January 2005 the Government denied a request by citizens to establish a domestic human rights center. Associations were not permitted to engage in politics, form parties, or interfere with religious matters (see section 3).

Formal registration of nationality based associations was limited to one association for any nationality. The law states that associations must register with the Ministry of Social Development, which is responsible for approving association by laws. The average time required to register an association was about two years. Some social or charitable groups functioned informally before being registered, but the Government sent letters to several groups in 2004 threatening sanctions unless they completed the registration process.

Women's associations, which total 47, were able to register somewhat more quickly because the associations require approval only by the minister of social development, not the Council of Ministers. In all other ways, however, they are subject to the Law of National Associations. Some of the women's associations received limited government funding or in kind support, while others were self funded. With the inclusion of women's associations, a total of 66 registered associations exist in the country. The Ministry of Social Development registered at least one new charitable association during the year.

c. Freedom of Religion.—Article 28 of the Basic Law provides for freedom of religion "within the limits of the law"; however, the Government generally restricted this right in practice. The law provides that Islam is the state religion and that Shari'a is the source of all legislation. Most citizens were Ibadhi or Sunni Muslims, with some Shi'a and a few non Muslim citizens. The Government permits worship by non Muslim residents. All religious organizations must be registered with the Government, and some of their activities were restricted.

Non Muslims were free to worship at churches and temples built on land donated by the sultan. However, the Government prohibited religious gatherings and practice in private residences. Although the law does not prohibit proselytizing, the Government prohibited non Muslims from proselytizing Muslims, while proselytizing of non Muslims by Muslims was allowed. The Government also prohibited non Muslim groups from publishing religious material, although religious material printed abroad could be brought into the country.

Members of all religions and religious groups were free to maintain links with members abroad and undertake foreign travel for religious purposes.

The Government required all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Religious Affairs and Endowments. The Government monitored mosque sermons to ensure that imams did not discuss political topics or instigate religious hatred or divisions and stayed within the state approved interpretation of Islam. Imams may be suspended or dismissed for exceeding government boundaries; there were no reported suspensions or dismissals during the year. The Government also monitored sermons of non Muslim clergy.

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 in the media was present, however, and anti-Semitic editorial cartoons depicting stereotypical and negative images of Jews along with Jewish symbols, and comparisons of Israeli leaders to Hitler and the Nazis, were published during the year. These expressions occurred primarily in the privately owned daily newspaper, Al-Watan, and occurred without government response.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights; however, the Government

generally respected these rights in practice. The law prohibits 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 UN 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 they feared persecution, but did not routinely grant refugee or asylum status. The Royal Oman Police 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.

The law prohibits the extradition of political refugees, and there were no reports of the forced return of persons to a country where they feared persecution. The issue of temporary protection for refugees and asylum seekers did not arise during the year. Government officials reported that during the year several hundred Somalis holding UN refugee cards entered the country illegally via Yemen to look for work or to transit to other Gulf countries. The authorities stated that Yemen already had 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. Besides Somalis, authorities apprehended and deported hundreds of 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 camps in Salalah or the northern port city of Sohar, where they stayed an average of one month before being deported to their countries of origin (see sections 1.d. and 5).

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 military and security personnel) may vote. In 2003 approximately 74 percent of registered voters, or about 194,000 persons, voted. The Government did not allow candidates to advertise or actively campaign for office. A total of 506 candidates, including 15 women, competed in generally free and fair elections for the 83 council seats. Of the 15 female candidates, 2 were elected. In 2003 a royal decree also reappointed the incumbent President of the Consultative Council, although the council elected two vice Presidents from within its membership. The sultan did not influence the nomination of the Consultative Council candidates.

The Consultative Council serves as a conduit of information between the citizens and the Government ministries; however, it has no formal legislative powers. Government ministries or the cabinet author all draft legislation. 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 two weeks to respond to the request, generally in person. In 2005 and during the year, members of the council held regular meetings with their constituents regarding conditions in the various regions and the effect of laws and regulations. In 2005 representatives from the southern state of Dhofar used information from these public meetings to challenge regulations that set electricity duties. In January the Cabinet of Ministers, over which the sultan presides, amended the regulations to lower duties significantly.

The 58 members of the State Council (Majlis ad-Dawla) are all appointed by the sultan. It 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 membership of the State Council included nine women.

The State Council and the Consultative Council together form the 142-seat Council of Oman. In 2003, a royal decree extended the term of office to four years for members of both councils. There are no term limits, although state council members historically have served two terms.

Citizens had indirect access to senior officials through the traditional practice of 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. A court awarded a private citizen damages of $1.04 million (400,000 rials) in a land dispute against the Minister of the Diwan of the Royal Court.

There were 11 women in the 142 seat Council of Oman. There were four female ministers appointed to the 42 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.—There were isolated reports of government corruption during the year. In 2005, several high-ranking government officials, including an undersecretary and a member of the State Council, were sentenced to between three and five years in prison for bribery, misuse of public office, and breach of trust. The officials currently are serving their prison sentences. Such sentences allegedly lowered the perception of corruption among citizens during the year.

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 Attitude 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 entities in the country. In January 2005, the Government denied a request by citizens to establish a domestic human rights center. Activists involved in foreign registered organizations were threatened with arrest or loss of government employment or scholarships. No association may receive funding from an international group without government approval. Individuals convicted of doing so could receive up to six 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 that NGOs inform the Government of any meetings with foreign organizations or diplomatic missions. There were no reported cases during the year of individuals charged with receiving unauthorized funding.

In November, the Government allowed the UN special rapporteur for trafficking in persons to visit the country on a fact-finding mission, the first visit of a UN official with a human rights portfolio. The special rapporteur was allowed to meet with government officials, representatives of NGOs, and migrant workers, and to hold a press conference to summarize her findings. The special rapporteur called attention to the Government's need to increase efforts to combat trafficking in persons (see section 5).

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

Article 17 of the Basic 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 it. Societal and cultural discrimination based on gender, race, social class, and disability existed.

Women.—The law does not specifically address domestic violence against women; however, the Government's interpretation of Shari'a prohibits all forms of physical abuse. 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. Battered women may file a complaint with the police but often sought family intervention to protect them from violent domestic situations. Likewise, families sought to intervene to keep such problems from public view, which is the cultural norm. Some employers reportedly sexually abused domestic servants. There were no government programs for abused women.

The law prohibits rape, and the Government enforced the law effectively. Spousal rape is not criminalized.

According to a 2003 UN Children's Fund (UNICEF) and World Health Organization study, female genital mutilation (FGM) was broadly socially accepted. 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. Local women primarily performed FGM on young girls in villages.

Prostitution was illegal. Despite strict cultural norms and immigration controls, observers reported that women from Eastern Europe, South Asia, some Middle

Eastern countries, and China—some of whom may have entered Oman on legal tourist or work visas—engaged in prostitution.

While progress has been made in changing laws and attitudes, 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 Government's interpretation of Shari'a, as contained in civil codes, 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 non-citizens 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. Women were forbidden from receiving free government housing unless they were divorced, widowed, or listed in the registry of social affairs as fatherless or extremely poor. Illiteracy among women 45 and older also 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. Half of all first degree university students were women, and women comprised 35 percent 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. 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 through the Oman Women's Association and local community development centers.

Children.—Primary school education for children, including non-citizen children, was free and universal but not compulsory. In 2004–05 the ratio of female to male enrollment was equal in primary education. Primary school enrollment was 65 percent. Most children attended school through secondary school. The Government provided free health care for all children up to age six. The infant mortality rate continued to decline, and the reported rate of infant immunization against diseases such as TB, polio, and hepatitis B remained 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 was performed on some girls ages one to nine.

There were no reports of child prostitution. 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 (see section 6.d.).

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, trafficking crimes are prosecuted under Article 261 of the Penal Code, which prohibits "slavery and the transportation, receiving, or in any way handling someone in a state of slavery or semi-slavery." Those convicted face three to five years in prison. The sultanate is a destination country for men and women primarily from Pakistan, Bangladesh, and India, who migrate willingly but subsequently may become victims of trafficking when subjected to conditions of involuntary servitude as domestic workers and laborers. Oman also is a transit country for migrants to the United Arab Emirates and other Gulf countries.

The UN special rapporteur for trafficking in persons, who visited on a fact-finding tour in November, said that trafficking victims predominantly were domestic servants and casual laborers. The special rapporteur received reports that some local recruitment agencies and source countries 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 special rapporteur also heard reports that some sponsors confined workers and confiscated passports and other labor documents.

The local UNICEF representative cited no reports that foreign children were trafficked and employed as camel jockeys during the year. Citizen children as young as seven continued to ride camels in competitive events despite recent legislation that gradually raises the minimum age of riders to 18 (see section 6.d.).

The Government deported thousands of illegal migrant workers during the year, but did not use special screening procedures to distinguish illegal migrants from

trafficking victims (see sections 1.c. and 2.d.). There are no government protective services for victims of trafficking.

The Government operated a 24 hour hotline to register complaints of potential victims and also worked with foreign governments to prevent trafficking in persons. The MOM is tasked with investigating reports of labor abuse.

Persons With Disabilities.—During the year there were no reported acts of discrimination committed by the Government against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, there was societal and cultural discrimination against persons with disabilities. The labor law states that persons with disabilities are to be provided with the same rights prescribed for other citizens. Although the labor law stipulates that private enterprises employing more than 50 persons should have at least 2 percent of the jobs reserved for persons with disabilities, this regulation was not widely enforced.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities, and it implemented legislation during the year to ensure access to buildings for persons with disabilities. The Government actively enforced the law through the construction permit process. There was one government sponsored rehabilitation center in the capital area and 17 private rehabilitation centers throughout the country. The law does not require the Government to reserve a percentage of jobs for persons with disabilities. While the Government did not provide statistics on the number of persons with disabilities it employed, a few persons with disabilities, including visually impaired persons, worked in government offices. 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.—While there were no reports of official discrimination against persons with HIV/AIDS, societal attitudes in the country remained fearful toward persons with the disease. The Ministry of Health initiated and promoted a "Peer Education" pilot project in the Muscat area to improve awareness of and education about the disease among youth. An outreach center opened in the town of Sur in June and provided free HIV/AIDS testing and counseling. The Ministry of Health, in conjunction with UNICEF, also performed outreach and free testing at several large cultural festivals held during the year. A toll free AIDS hot line fielded several hundred calls during the year and approximately 2,000 calls in 2005. The hot line also provided information on sexually transmitted diseases.

The Penal Code criminalizes homosexuality. Individuals can be prosecuted based on complaint, and sentenced to a jail term of six months to three years.

Section 6. Worker Rights

a. The Right of Association.—Between July and November, the Government passed comprehensive legislation to improve worker rights. On July 9, Royal Decree 74 officially recognized worker rights to form unions, formerly called "representative committees," and a General Federation, formerly called "The Main Representative Committee," to represent unions at regional and international fora. The decree also amended Articles 108 and 110 of the 2003 Labor Law to allow more than one union per firm. Royal Decree 113 amended Article 109 of the 2003 Labor Law to allow unions to form more than one federation. The royal decrees further stated that unions and their representative bodies are free to act as independent entities without interference in their affairs by government or other parties. The MOM issued implementing regulations covering union organizing that reduced the level of government control over the formation and activities of unions. The ministry removed the requirement that unions notify the Government at least one month in advance of union meetings. The regulations also dropped the requirement that union leaders speak and write Arabic.

Some government control over union activities remained. The new regulations maintained, for instance, the prohibition on accepting grants or financial assistance from any source without the ministry's prior approval. The new regulations also added that union formation requires 25 workers regardless of the size of the firm.

Royal Decree 74 amended Article 110 of the 2003 Labor Law to prohibit employers from firing or imposing penalties for union activity. The provisions of the 2003 Labor Law and recent amendments apply to women and foreign workers. 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. Conditions of employment of these categories of workers are covered by the Civil Service Law and individual ministerial decrees.

b. The Right To Organize and Bargain Collectively.—Article 107 of the Labor Law explicitly allows for collective bargaining and guarantees the right to strike. Royal

Decree 74 provided unions and federations with the right to practice their activities freely and without interference from outside parties. In November, the MOM issued implementing regulations covering collective bargaining and strikes. 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 workers' right to strike, although they stipulate that unions or worker representatives must inform the employer at least three weeks in advance of a scheduled strike. The regulations also state that strikes must cease at the start of collective bargaining procedures.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Basic Law prohibits forced or compulsory labor, including of children; however, there were reports that such practices occurred. Royal Decree 74 amended the 2003 Labor Law to prohibit forced labor and set penalties not to exceed more than one 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 (see section 5). Employers sometimes withheld documents that released workers from employment contracts and allowed them to change employers. Without such a letter, a foreign worker must continue to work for his current employer or become technically unemployed and consequently a candidate for deportation. In November, the MOM issued a legally enforceable administrative circular that prohibited employers from withholding workers' passports.

Many foreign workers were not aware of their right to take such disputes before the Labor Welfare Board (LWB). Others were reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases the LWB released the worker from service without deportation and awarded compensation for time worked under compulsion. In addition to reimbursing the worker's back wages, guilty employers were subject to fines.

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. Royal Decree 74 amended Article 118 of the 2003 Labor Law to raise the fines from $260(100 rials) per violation to $1,300 (500 rials), and increased possible prison terms for repeat offenders from one week to one month.

In 2003 the Government raised the minimum age for children to work from 13 to 15 years. For certain hazardous occupations, the minimum employment age is 18. Children 15 to 18 years of age may be employed but 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 six 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 participated in camel racing for their families. In August 2005 the Government raised the minimum age of camel riders from 12 to 18 years, to rise annually by one 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 conspicuously in the workplace by employers of 15 or more workers. Government inspectors performed random inspections to enforce implementation of these regulations; there were more than 4,541 inspections in 2005. Similarly, any employer with 50 or more workers must establish a grievance procedure. All employees, including foreign workers, have the right to take disputes to the LWB and are encouraged to contact the MOM's 24 hour hot line to report labor abuse or violations. The LWB attempts to mediate disputes between employers and employees. In some cases, worker representatives were able to file collective grievances. If a settlement cannot be reached, the parties may seek recourse in the appropriate courts.

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. The MOM employed 82 inspectors who worked throughout the sultanate. The MOM also operated a 24-hour complaint hotline in English and Arabic. According to midyear government statistics, the MOM received more than 2,900 calls to the hotline, 938 of which it resolved through direct negotiations between workers and their employers, and 470 that it referred to the courts for action.

The MOM issues minimum wage regulations for various categories of workers. The minimum wage for most citizens is approximately $260 (100 rials) per month, plus $52 (20 rials) for transportation and housing. Minimum wage regulations did not apply to a variety of occupations and businesses, including small businesses that employed fewer than five persons, the self employed, domestic servants, dependent family members working for a family firm, and some categories of manual labor. There were reports that migrant laborers in some firms and households worked more than 12-hour days for as little as $90 (35 rials) per month.

The private sector workweek was 40 to 45 hours and included a rest period from Thursday afternoon through Friday. Government workers have 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 LWB; however, the LWB rulings were not binding.

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 2003 Labor Law states that an employee may remove himself from dangerous work without jeopardy to his continued employment if the employer was alerted to the danger and did not implement corrective measures. All employers are required by law to provide first aid facilities. Employees covered under the 2003 Labor Law could recover compensation for job related injury or illness through employer provided medical insurance. 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 commercial services, such as labor clearances. Such actions resulted in the immediate payment of salaries.

QATAR

Qatar is a monarchy ruled by the Al-Thani family, headed by Emir Sheikh Hamad bin Khalifa Al-Thani. The population is approximately 840,000 of whom approximately 200,000 are citizens. The emir exercises full executive power. 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. The constitution, which came into force in June 2005, provides for continued hereditary rule by the emir's branch of the Al-Thani family. In 2003 citizens elected the 29 members of the advisory central municipal council in elections generally regarded as free and fair, although only 30 percent of eligible voters participated. The civilian authorities generally maintained effective control of the security forces.

While there were improvements in the overall human rights practices, some serious problems remained. Citizens lacked the right to change their government peacefully. There were judicially sanctioned corporal punishments. Civil liberties, such as the freedoms of speech (including the use of the Internet), press, assembly, and association continued to be restricted, and limitations existed on freedom of religion. There were also some restrictions on foreign travel, as well as arbitrary deportation, sometimes after detention for several years. Government corruption was perceived to be a problem along with lack of public access to government information. Trafficking in persons, primarily in the labor and domestic worker sectors, was a problem. Discrimination against women, both legally and culturally based, limited their full participation in society. Bidoons (Arabic for "without" meaning "without citizenship"; people with residency ties by not documented nationals) unresolved legal status resulted in discrimination against these noncitizens with residency ties. Worker rights were severely restricted, especially for expatriate laborers and domestic servants.

On February 3, the emir issued orders to begin to reinstate citizenship for as many as 6,000 persons, which the Government revoked between October 2004 and June 2005. Each case was reviewed separately, and by year's end approximately 90 percent of those persons had their citizenship restored.

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 criminal law prohibit such practices. There was one case reported in 2005 in which a policeman had, according to prosecutors, tortured a suspect; the perpetrator was subsequently charged and convicted of misuse of power and abuse during the year. He was sentenced to two years in prison. During the year there were two complaints of torture reported to the National Human Rights Committee (NHRC). The two complaints were investigated by the Ministry of Interior, and the Ministry concluded that one was without merit, while the other remained under investigation at year's end.

In June the National Health Authority (NHA) ordered all clinics and medical practitioners to report to authorities any cases of torture or maltreatment on patients brought about by domestic violence or physical abuse.

The Government administered corporal punishment (lashes) prescribed by its interpretation of Islamic law in cases of alcohol consumption. Amputation was not allowed. Punishments were not administered publicly.

Prison and Detention Center Conditions.—Prison conditions generally met international standards. In previous years the Government permitted visits by independent human rights observers. During the year, however, authorities prevented the Solidarity Center (a foreign labor nongovernmental organization (NGO) from visiting the Deportation Detention Center during their visit to the country in September. In November the UN Special Rapporteur for Trafficking in Persons and foreign diplomatic representatives visited the Deportation Detention Center (DDC). In addition representatives visited the Capital Police Detention Center (CPDC) in October. Additional requests by diplomatic representatives to visit the Central Prison and the State Security Prison were not approved. The NHRC conducted at least three visits to prisons and detention centers during the year.

The DDC held thousands of detainees without legal justification for extended periods, sometimes more than four years. The 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. At the DDC, at least nine newborn and infant children were detained with their mothers.

The State Security Prison was used to hold prisoners convicted of security crimes, including espionage. 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 waiting deportation at the DDC. Some female defendants awaiting trial were held with convicted female criminals at the Central Prison because of overcrowded conditions at the CPDC.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention. While the Government generally observed these prohibitions, 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 four years. Individuals were also arrested and detained at the State Security Prison for indefinite periods under the society protection and antiterrorism laws.

Role of the Police and Security Apparatus.—The Ministry of the Interior (MOI) controls the police forces, which include the coast guard, border police, fire department, and immigration authorities. They were generally effective. NGOs did not perceive corruption and impunity to be serious problems. The Government intelligence service reported directly to the emir and performed internal security investigations, gathered intelligence, and had primary responsibility for sedition and espionage cases.

The MOI investigated alleged cases of police abuse and publicized at least some results.

Arrest and Detention.—The law requires that persons be apprehended openly with warrants based on sufficient evidence, issued by a duly authorized official, be charged within 24 hours, and be brought before a court. As exceptions the law permits for detention without charges for up to two years (six month periods which can be extended) and allows detention for up to six months without charges for investigation purposes, but could be extended indefinitely by a special court order.

In normal cases the judge may order the 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 one month at a time to allow authorities to conduct investigations. The accused was entitled to legal representation throughout the process and prompt access to family members in nonsecurity cases. There were 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. Unlike the previous year, there were no reported cases of incommunicado detention by the Government.

However, the society protection law 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 are not appealable in court. 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 two weeks to six months. Moreover, that period can be extended up to two years at the discretion of MOI officials. The law normally allows for detention for up to six months without charges; but it could also allow for indefinite detention upon order of the court. This provision has not been used. The Prime Minister adjudicates complaints against these detentions. There was at least one known case of a citizen that had been arrested at years end, had been detained for more than one year under this statute. According to the NHRC, there are undoubtedly more unreported cases.

In May Amnesty International (AI) alleged that 18 persons had been detained in 2005 under the laws for the "protection of society" and "combating terrorism", although few details were available. There is a report that at least one person remained in custody at year's end under these conditions.

In accordance with custom on the occasion of the Holy Month of Ramadan, the emir granted amnesty to 29 prisoners and another 56 prisoners were granted amnesty on the annual "International Human Rights Day" in November. The cases were recommended for amnesty by the NHRC. No criminals convicted of violent crimes were granted amnesty. An additional 23 prisoners were released by the court after serving at least three-quarters of their sentence.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, although in practice it is not since all judges held their positions at the ultimate 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 Judiciary Council.

The law provides for a three-tiered court system: the courts of first instance, appeal, and cassation. The court of appeal hears appeals of decisions from the court of first instance. The Court of Cassation 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. It consists of two wings, civil and criminal, with a five-judge panel chaired by a President or deputy.

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 staff of the armed forces and the security forces may come before such tribunals. There are provisions for non judicial proceedings for administrative discipline of military and security personnel.

Trial Procedures.—The law provides for the right to a fair trial, and the judiciary generally enforced this right.

Both Muslim and non-Muslim litigants are tried under the unified (Shari'a and secular justice) court system. 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. 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. 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 were tried within five to seven months after suspects were detained. Although infrequently used in practice, suspects are entitled to bail,

except in cases of violent crime. 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. While the law allows for detention without charges, once charges are filed, the case would be tried under existing criminal or civil law. 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.

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 $1374 (5000 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 27 individuals involved and convicted in the 1996 planned counter-coup, 26 remained in prison at year's end. Of the 26 in prison, 19 remain in prison under sentence of death, while eight carry life sentences. One of the eight, a member of the ruling family, has been remanded to house arrest. During the year at least one military member was arrested and accused of communicating with foreign political groups. The outcome of his case was unresolved at year's end.

Civil Judicial Procedures and Remedies.—The law and judiciary generally permit persons with civil grievances to seek redress in the court system, rather than through traditional personal contact with members of the ruling family. There are civil and criminal remedies available for those seeking damages for, or cessation of, human rights violations. There was one reported case of a lawsuit by a laborer against his sponsor for suppression of the right of freedom of movement. The case is unresolved 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. There were no reports of unauthorized searches of homes during the year. Police and security forces were believed to monitor the telephone calls and e-mails of suspected criminals, of those considered to be security risks, and of selected foreigners (see section 2.a.).

Citizens must obtain government permission to marry foreigners and may apply for residence permits or citizenship for their spouses. Such permission generally was granted for 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 but the Government limited these rights in practice. Journalists continued to self-censor due to political pressures when reporting on government policies, the ruling family, and relations with neighboring states. There were reports that security authorities threatened both individuals and organizations against publishing undesirable articles.

The law provides for criminal penalties and jail sentences for libel and slander. One non-citizen was sentenced to one year in prison under this law. The individual allegedly slandered a citizen in public. All cases involving the media fall under the jurisdiction of the criminal courts.

Although citizens expressed many of their views freely and in public, they avoided discussing sensitive political and religious issues. The much larger foreign population did not express itself as freely or as publicly. The Government did not prosecute anyone for expression of views. During the year the Qatar Foundation continued to support a series of public debates on a website called the "Doha Debates".

While the six daily newspapers are not state-owned, the owners are members of the ruling family or have close ties to government officials. Copies of foreign newspapers and magazines were reviewed and censored for religious, political, and explicit sexual content.

The censorship office in the Qatar Radio and Television Corporation and customs officials screened and censored material deemed hostile to Islam, reports on government policies, the ruling family, and pornography. There were no specific reports of political censorship of foreign broadcast news media or foreign programs. Foreign movies, however, were censored for sexual content, vulgarity, and political views. Officials did not block the personal importation of non-Islamic religious items (see section 2.c.).

State-owned television and radio reflected government views. Doha-based Al-Jazeera Satellite Channel focused on coverage and commentary on international news topics. Al-Jazeera and the Government claimed the channel to be independent and free of government influence, but it was government-subsidized and avoided critical commentary of government policies. On domestic issues Al-Jazeera covered local news generally only if there was an international aspect to it. Callers to a popular morning show on the state-owned radio station frequently discussed topics such as government inefficiency and the lack of responsiveness by various ministries to citizens' needs, such as poor schools and roads, failure to deliver adequate water and sewage services, and problems with the health care system.

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. 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, however, were not available.

Academic Freedom and Cultural Events.—Academic freedom was exercised in accordance with the general legal framework, but 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 which requires 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 at least one during the year: in June there was a peaceful demonstration arranged by the Central Municipal Council to show support for Palestinians in the Israeli-Palestinian conflict.

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 (see section 3). 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 these societies and associations. They are prohibited from engaging in political matters and must get approval from the Ministry of Civil Service Affairs and Housing, which can deny their establishment if deemed a threat to the public interest. Also, 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 and their permits are valid for only a three-year period, after which they must renew their license and again pay the same fees. Also, a single application form not applicable to all potential organizations restricts registration. Since this law was enacted, less than 20 requests to form new associations have been submitted to the ministry. Some requests were approved during the year, among them the Fishermen Association, the Authors Association, and the Musicians Association. The remaining applications were either under review or have been sent for cabinet approval. Applications to establish a Journalists Association and a Teachers Association were pending at the end of the year. One human rights organization designed to support persons with disabilities was also pending review.

The regulations prohibit international affiliation of associations.

The Government prohibited international professional organizations critical of the Government or of any other Arab government. There were no reports that security forces monitored the activities of proposed or established professional or other groups.

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 may privately practice their religion without harassment.

The state religion is Islam, as interpreted by the Wahhabi order of Sunni Islam. Both Sunni and Shi'a Muslims practiced Islam freely. Shi'a Muslims organized traditional Shi'a ceremonies and performed their rites in their own mosques. 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.

Shi'a Muslims were well represented in the bureaucracy and business community.

The Government has given legal status to Catholic, Anglican, Orthodox, Coptic, and many Indian Christian denominations; other religious congregations may request recognition, but none are known to have done so. The Government does not allow the building of any new places of worship without permission. The Government provided congregations with registration numbers that allow them to open bank accounts and sponsor clergy for visas. In January construction began on what is expected to be six Christian churches on a large tract of property leased from the Government. No new requests have been reported.

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 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 readily available in Arabic.

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.

From April 25 to 27, the Fourth Conference for Religious Dialogue took place in Doha. Christian, Jewish, and Muslim representatives attended.

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 Qatar'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, 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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice, with some 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 could face restrictions on their right to travel abroad, but there were no specific cases reported during the year.

The constitution prohibits forced exile -internal or external- of citizens, and exile was not used in practice.

On February 3, the emir issued orders to begin to reinstate citizenship for as many as 6,000 persons 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 approximately 90 percent of those who had lost it. According to the NHRC, those among the remaining 10 percent accused of being involved in the planned 1996 countercoup attempt, whether found guilty or innocent, will not regain citizenship.

The constitution provides that citizens who have left the country have the right to return. Foreigners were subject to restrictions on entry and exit designed principally to control the size of the local labor force (see sections 6.c. and 6.d.). 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.

Protection of Refugees.—The constitution prohibits the extradition of political refugees; however, the country is not a party to the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not established a system for providing protection to refugees. Those attempting to enter the country illegally, including persons seeking asylum from nearby countries, were refused entry. Asylum seekers who were able to obtain local sponsorship or employment were allowed to enter and could remain as long as they were sponsored.

The Government was not asked to cooperate with the office of the UN High Commissioner for Refugees or other humanitarian organizations in assisting refugees and asylum seekers. The Government issued deportation orders for Qatari-born stateless residents and at least one Qatari-born resident of Somali origins to Somalia, a case possibly constituting attempted refoulement. These cases remained unresolved at year's end.

Arbitrary deportations were reportedly used to reduce the number of guest workers in nationalities that the Government considered to be over-represented. This action was designed to increase the portion of citizens in the workforce (Qatarization). They were also used to expel foreigners who had extended their original period of residence or had been accused of a crime, whether found guilty or not. Deportations are also reported to have occurred to comply with the GCC agreement to limit the residency of foreigners to less than five years.

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. In 2003 citizens elected the 29 members of the Central Municipal Council for four-year terms. The elections were generally regarded as free and fair although only 30 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 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 with ministerial rank, and President of Qatar University. Also, one woman served on the central municipal council.

Approximately 75 percent of total residents could not participate in elections or hold public office, which is 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.—Government corruption was perceived to be a problem. During the year the Attorney General referred one of his

deputies to the judiciary for investigation of fraudulent stock purchases. On February 16 the deputy was dismissed from his post and an additional 64 citizens involved in the same scandal were investigated and convicted. The affair involved fraudulently using identities of dead citizens to buy more shares of Qatar Gas Transport Company than the official allocation permitted.

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. At their discretion government officials shared draft legislation with selected industry representatives for comment. 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.

The lack of clarity in government procurement, such as the conditions and criteria of the tender and proper notification or explanation concerning bidders' qualifications, remained an issue of concern.

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

No international or domestic NGO or international governmental organizations dealing with human rights operated in the country. Representatives from Oxfam as well as the Solidarity Center and the National Democratic Institute visited the country.

The National Human Rights Committee (NHRC) is a semi-independent organization aligned with and funded by the Government. The law provides for the right to form private independent societies and associations; however, since the law was enacted, only one application was submitted to establish an independent human rights organization to support persons with disabilities, and that request was under government review at year's end.

The NHRC was established in 2002 to investigate and improve local human rights conditions, with 12 members, five from government ministries and seven from civil society. Since May votes by government members do not count. The committee released a report highlighting numerous human rights violations identified during 2005. The report was published in all local newspapers and was made available on their Web site (see sections 5, and 6. c., 6.d., and 6.e.). During the year the NHRC visited prisons, the Police Detention Center, and the Deportation Detention Center at least three times to investigate conditions and issued recommendations to the MOI and the ministerial council.

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 (whether male or female) is a criminal offense.

Women.—According to a local quasi-governmental organization dealing with family issues, domestic violence against women was a problem. A total of 197 cases of domestic abuse against women were reported during the first six months of the year. 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 rape, but does not address spousal rape. There were cases of rape publicized between expatriates, but not reported involving citizens.

Many foreign domestic servants were sexually harassed and maltreatment. Most domestic servants did not press charges for fear of losing their jobs (see section 6.e.).

While 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 defiant behavior, no cases were reported during the year. Prostitution is illegal and was considered a problem by the Government. Government officials reported 24 cases involving prostitution before the courts. Sexual harassment is also illegal and

carries penalties of imprisonment and/or fines. In the eight reported cases of sexual harassment, there were five convictions and three cases were still pending 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 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 new 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.

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.

Women made up 14 percent of the overall workforce and 30 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 (see section 2.d.), tradition and social pressures caused most women to travel with male escorts.

The Supreme Council for Family Affairs, 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. Women were being empowered to tackle issues once considered taboo, such as violence. The council advocated the successful enactment of the new family law.

The Supreme Council established five organizations that deal with women and children issues: the Qatar Foundation for the Protection of Women and Children; the Family Consulting Center; the Motherhood and Childhood Cultural Center; the Orphans Care Center; and the Qatar Society for Senior Citizens Care. The Qatar Foundation for the Protection of Women and Children handled 197 cases involving women and 190 cases involving children during the year. Most of the women's cases concerned custody and alimony issues, while there were five cases of physical abuse. Health authorities informed the center about cases of physical abuse. Children's cases included maltreatment, psychological abuse, and neglect, while two cases involved sexual harassment. Most of the children's cases were referred to the center from schools, hospitals, and the neighborhoods. Approximately 30 percent of the cases handled by the foundation were solved through mediation, and all of the 30 percent were resolved in favor of the women and children. The foundation operated a telephone hot line to receive complaints of family violence; however, the line was normally answered only during the work day and statistics were not kept on its use.

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. Based on 2004 figures from the Planning Council, approximately 60 percent of school-age children attended school, and most children completed primary school. 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.

There was generally no difference in attendance of girls and boys at the primary, secondary, and post-secondary levels. There was no societal pattern of child labor

or abuse of children, apart from the trafficked, juvenile camel jockeys (see section 5).

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 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. Nonetheless, the law of bans forced or coerced labor and a July 2005 ban on the use of camel jockeys under the age of 18 (see section 6.c.). Those caught breaking the law may receive six months' imprisonment or a fine of approximately $825 (3,000 riyals). In cases involving the employment of minors, the punishment is three years imprisonment or a fine of approximately $2,700 (10,000 riyals). No antitrafficking cases against employers or labor recruitment agencies were prosecuted during the year.

In July 2005 a human rights department was established in the MOI to receive and process victims of human rights abuses and trafficking in persons.

The country is a destination for trafficked persons. Men and women were trafficked into situations of coerced labor. Legislation guiding the sponsorship of expatriate laborers has created conditions constituting forced labor or slavery.

Under the law expatriate laborers were not allowed to leave the country without a signed exit sponsorship 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. Some sponsors have used this power against their workers. They have withheld their consent to force foreign employees to work for longer periods, avoid having to pay salary owed to the worker, and extract money from the laborer. Some workers were detained in the deportation center due to their employers withholding their passports and failing to renew their work visas. There were between 1,100 and 1,500 detainees at the Deportation Center at all times. The workers were apprehended by law enforcement officials because their work visas had expired or because they were deemed to be a "threat to society".

The country also was a destination for some women and girls who traveled to the country to work in hotels, cafes and restaurants but were forced by their employers into prostitution. Most often, rather than prosecuting them for prostitution, the women were arbitrarily issued a deportation order and sent to the Deportation Center. Women and girls also traveled to the country to work as domestic servants, where they were vulnerable to domestic servitude and sexual exploitation and unprotected by labor legislation. Two embassies reported that more than 600 of their nationals had been forced into these conditions.

In July 2005 Law 22, banning the transport, employment, training, and involvement of children under the age of 18 in camel races, came into force. As an alternative robot camel jockeys were introduced. According to the law, violators face three to 10 years imprisonment and a fine ranging between $13,700 (50,000 riyals) and $55,000 (200,000 riyals). There were no cases reported during the year.

According to the NHRC, some children camel jockeys have still been retained in the country; however, there were no additional reports of children being used or held for the purpose of camel racing.

In September 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 not required. During the year twenty cases were accommodated at 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. Also, private sector businesses employing a minimum of 25 persons were required to hire persons with dis-

abilities. Employees who violated these employment provisions were subject to fines. There were no reported cases during the year.

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 Supreme Council for Family Affairs was charged with ensuring compliance with the rights and provisions mandated under the law.

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 two designated areas. The largest noncitizen groups were Indian, Nepalese, Bangladeshi, Pakistani, and other Arab nationals. In the private sector, Iranians occupied some of the highest positions.

Although born, raised and schooled in the country, noncitizen residents and Bidoon are afforded no more rights under the law than temporary migrant laborers. They were discriminated against in medical care, education, employment, and mobility.

The 2005 nationality law allows noncitizen residents to apply for citizenship after residing in the country between five and 20 consecutive years, but only 50 may be granted per year, and none have been granted under this provision. There were reports of summary deportation orders issued against long-term residents and bidoon, although all family and economic ties remained in the country.

Other Societal Abuses and Discrimination.—The law prohibits same-sex relations between both males and females. Penalties for adults range from a maximum of seven to 15 years imprisonment. There were at least two cases that come before the court during the year. One case involved a Qatari male and an Asian expatriate male. The case remained before the court as of years end. The other involved a 41-year old Turkish male who was acquitted in a case involving a 21-year old Turkish male.

There was no discrimination reported against HIV patients if they were citizens or were in the country 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. Foreigners who contracted the disease were deported if they had not stamped their residence permits yet. In the case of AIDS patients, foreigners were deported to their home country. In case of citizens, they were quarantined and received treatment. Specific statistics on diseases were not available and such information was classified by the Government as critical and sensitive.

Section 6. Worker Rights

a. The Right of Association.—The 2004 labor law and subsequent regulations provide for the right of workers' association for citizens over 18 years of age in private enterprises with more than 100 citizen workers. Noncitizens were not eligible to form worker committees. Foreign workers ≥can only be members of joint labor-management committees. Those working in the Government sector are prohibited from joining a union. Further, the law and regulations permit only a single national trade union composed various worker committees at individual firms and forbid affiliation with groups outside the country.

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 strike extremely remote. Nevertheless, expatriate workers staged at least seven strikes during the year to seek redress and improvement in their work situation from employers.

Government employees, domestic servants, and those in the public utility, health, and security services are prohibited from striking. However, legally they can seek permission to hold a public gathering. 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 repatriation. 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.

A new secretariat for labor relations was established during the year charged with collective bargaining and overseeing labor relations. The Labor Inspection Section was restructured and staffed with sufficient numbers of trained inspectors who were provided with the power of law enforcement. A limited number of labor camps were inspected randomly and when found to be below minimum standards, the operators received a warning. Upon second inspections all camp violations were correctly promptly for fear of repercussions under the law. Statistics on the number of inspections are not available, but foreign labor attaches reported that most labor camps in the country remained below minimum standards.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, foreign workers in some cases were employed under circumstances that constituted forced labor (see section 5). More than three-quarters of the workforce were 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 (see section 6.d.).

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 parental 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 six 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.

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 not observed with respect to unskilled laborers and domestic and personal employees, the majority of whom were foreigners. Many such workers frequently worked seven days per week, and more than 12 hours per day with few or no holidays, no overtime pay, and no effective way to redress grievances.

Some employers mistreated foreign domestic servants, predominantly those from South Asia, Indonesia, and the Philippines. 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 seven days. Cases not resolved within seven days were transferred to the labor court, a special section of the first instance civil court. During the year the embassies of the Philippines, Indonesia, and Sri Lanka received a combined total of more than 3,400 complaints from male and female workers; more than 900 from housemaids alleging mistreatment by their employers. The Nepalese Embassy reported that they received 14 to 20 complaints 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 Indonesian officials, 30 to 50 Indonesian housemaids fled from their sponsors each month during the year.

The Government has enacted regulations regarding worker safety, but enforcement, which is the responsibility of the Ministry of Energy and Industry, the Ministry of Health, and the Labor Department, was lax 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 or electricity. Inspections by labor inspectors of labor camps became more numerous and public during the year resulting in mandatory compliance of minimum standards by camp managers and owners at a limited number of camps that were either chosen randomly for inspection or were inspected as a result of complaints of violations. According to foreign labor attaches, most camps remained below minimum standards.

On April 12, 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.

According to the Nepalese Embassy, 141 of their approximately 179,000 nationals died in the country during the year, 45 percent of whom reportedly died of heart attacks. Another 25 percent died in traffic accidents, while 17 percent died in work-related accidents. Suicide claimed six percent, while the remaining died of other non-specified causes.

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 also fined individual sponsors and employers who severely violated residence and sponsorship laws by prohibiting them from importing labor until they rectified the situation. Employers mistreated some foreign domestic servants. Such mistreatment generally involved the nonpayment or late payment of wages; in some cases, it involved rape and physical abuse.

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 repatriation, 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 August 2005 King Abdullah bin Abd al-Aziz Al Saud has ruled 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, and provides that the Koran and the Traditions (Sunna) of the Prophet Muhammad serve as the country's constitution. The only elected representatives were half of the municipal counselors, elected by men in December 2005 on a nonparty basis. The civilian authorities generally maintained effective control of the security forces.

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 abuses; inadequate prison and detention center conditions; arbitrary arrest and detention, sometimes incommunicado; denial of fair public trials; exemption from the rule of law for some individuals and lack of judicial independence; arbitrary interference with privacy, family, home, and correspondence; and significant restriction of civil liberties—freedoms of speech and

press, including the Internet; assembly; association; and movement. The Government committed severe violations of religious freedom. There was a widespread perception of serious corruption and a lack of government transparency, as well as legal and societal discrimination and violence against women. Other religious, ethnic, and minority groups faced discrimination. There were strict limitations on worker rights, especially for foreign workers.

There was greater involvement in government activities by the Majlis Al-Shura (the Consultative Council) and the 178 municipal councils. Despite increased public and media discourse about human rights, the overall human rights environment remained poor.

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; however, the Government executed persons for criminal offenses after closed trials, making it impossible to assess whether legal protections were applied (see section 1.e.). The country's highest court, the Supreme Judicial Council, is responsible for reviewing cases involving sentences of stoning, amputation, or death, and sentences can only be enforced pursuant to a royal decree issued by the King.

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

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; however, there were reports that some authorities practiced physical abuse and torture.

The Government reserved its position on Article 20 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and does not recognize the jurisdiction of the Committee against Torture to investigate allegations of systematic torture.

Ministry of Interior (MOI) officials were responsible for most alleged incidents of physical abuse and torture of prisoners, including beatings, lashings, and suspension from bars by handcuffs. According to a 2005 report by the international nongovernmental organization (NGO), Amnesty International (AI), these practices were used to force confessions from prisoners. According to Human Rights Watch (HRW), a former prisoner in Mecca general prison alleged that prison guards regularly abused him during his time in prison between 2002 and the end of the year by beating him, burning his back on a hot metal block, and keeping him in solitary confinement for six months.

During the year the Committee for the Promotion of Virtue and Prevention of Vice, known as the religious police (Mutawwa'in) harassed, abused, and detained citizens and foreigners of both sexes. These incidents were most common in the central region, including the capital of Riyadh, and relatively less frequent in the eastern and western regions of the country. However, there was an increase in reported religious police abuse in the Eastern Province and Jeddah.

The Government sentenced criminals to punishment according to its interpretation of Shari'a. Corporal punishments provided by law included public execution by beheading, amputation, lashing, and other measures deemed appropriate by the judicial authorities. According to HRW, judges routinely issued sentences of thousands of lashes as punishment, often carried out in public. HRW reported that the beatings lead to severe mental trauma and physical pain, and the victims do not receive medical treatment.

During the year the press reported approximately 38 executions. The Government executes individuals who have been convicted of murder, apostasy, narcotics-related offenses, rape, and armed robbery. Twenty of these executions were for crimes related to illegal drugs. There were no executions for apostasy during the year. The authorities punished repeated thievery and other repeated offenses by amputation of the right hand and left foot. The Government also punished people for various offenses with lashings, including for alcohol-related offenses or for being alone in the company of an unrelated person of the opposite sex. According to press reports, lashings were generally administered with a thin reed by a man who must hold a book under his arm to prevent him from lifting the arm too high. The strokes, delivered through a thin shirt, are not supposed to leave permanent damage but are designed to leave painful welts that bleed and bruise. According to the NGO National Society for Human Rights (NSHR), there were unauthorized and excessive lashings in the women's prisons.

On September 9, a Nigerian man had his right hand amputated after he was convicted of stealing in the Great Mosque in Mecca. He was found guilty of "committing the crime of pickpocketing."

On November 1, a Nigerian woman was executed in Jeddah for smuggling drugs into the country. Similarly, on November 1, a male citizen was executed in Riyadh for the same crime.

On January 23, the media reported that Naif Al-Otaibi pardoned Puthen Veetil Abdul Lateef Naushad, an Indian citizen, for his role in a fight allegedly blinding Al-Otaibi in one of his eyes. Due to the pardon, Naushad's right eye was not gouged out as punishment. Naushad had served three years in prison for this assault.

Prison and Detention Center Conditions.—Conditions at prisons and detention centers were generally acceptable, according to international standards. However, there were some prisons with below-acceptable standards in hygiene, food, medical, and social services, and prolonged detention of prisoners in poor health. Many jails remained overcrowded, and some detainees were allowed family visits only after a significant period of time after their initial incarceration. The Government permitted visits to detention centers and prisons in accordance with international modalities. These visits were made by the Human Rights Commission (HRC) and NSHR, an NGO originally endowed by King Fahd. The HRC visited three prisons in the Eastern Province.

The NSHR visited and reported abuses in 18 prisons, including four women's prisons. It found that pretrial detainees were held together with convicted prisoners. NSHR reported that drug abuse is increasing inside at least one prison. There were reports that nonviolent criminals (e.g., debtors) were held in the same facilities as violent criminals. NSHR also reported unauthorized and exaggerated lashings in the women's prisons, as well as the mixing of HIV positive with HIV negative inmates. At the prison in Mecca for noncitizens, NSHR found inadequate sleeping facilities, inadequate provision of medical services, and a nonfunctioning air conditioning system.

On November 27, HRW made its first official visit, in addition to an unofficial visit in February, to the country in four years with the intent of visiting specific detention and prison facilities and specific detainees and prisoners. While HRW visited four prisons, it was not allowed to visit all of the prisons and all of the prisoners it requested. HRW visited a small group of prisoners on November 30 at the Al-Ha'ir correction facility south of Riyadh, but the delegation's attempt to return and revisit the facility on December 2 was blocked.

There were also reports that consular visits to noncitizens were restricted.

d. Arbitrary Arrest or Detention.—The Basic Law prohibits arbitrary arrest and detention and limits the period of arrest to five days without charges being filed; however, ambiguities in implementation of the law and lack of due process give the interior minister broad powers to detain persons indefinitely. In practice, persons were held weeks or months and sometimes longer.

Role of the Police and Security Apparatus.—The King, the interior minister, the defense minister, and the national guard commander have responsibility in law and in practice for law enforcement and maintenance of order. King Abdullah remained in command of the National Guard. Crown Prince Sultan remained the defense and aviation minister with responsibility over all of that ministry's armed forces. The interior minister, Prince Naif, exercised control over government internal security forces, the internal security service or secret police (Mabahith), and border forces. Prince Muqrin was appointed secretary-general of the General Intelligence Presidency (GIP), which has its own forces. The religious police constitute a semi-autonomous agency, reporting to the King via the Royal Diwan (the king's 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. The media reported the Government arrested and punished police and border guards involved in smuggling and corruption.

Arrest and Detention.—The law prohibits arbitrary arrest and detention and limits the period of arrest; however, in practice, persons were held weeks, months, and sometimes longer, and the law gives the interior minister broad powers to detain persons indefinitely. The regular police, the secret police, and the religious police can arrest and detain persons.

There were reports the authorities arrested and detained persons without following explicit legal guidelines. The religious police intimidated, harassed, and arrested persons based on their own religious interpretations of "crimes of vice" including arrests for "witchcraft" and "sorcery" (see section 2.c.). These instances included men with "strange" haircuts or wearing improper clothes (see section 1.f.),

men tailoring or taking measurements of women for women's clothes, and men dressing in female clothing (see section 5).

The 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. Throughout the country, several Committees for Collection of Donations for Impoverished Prisoners raised funds to pay fines stemming from traffic accidents and civil cases because prisoners remain in custody until the fines are paid, regardless of length of sentence. There were also reports the King and other members of the royal family paid fines on behalf of nonviolent prisoners to enable their release.

If accused persons were not released, authorities typically detained them for two 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.

By royal decree, the religious police have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior; however, they often exceeded this limit before delivering detainees to the police (see section 1.f.).

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. During the year in the more conservative Nejd region that includes Riyadh, reports continued of religious police accosting, abusing, arresting, and detaining citizens and noncitizens, especially women, for allegedly violating dress and behavior standards. There were also a number of 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. Many such detainees were held for days, sometimes weeks, without officials notifying families or, in the case of noncitizens, embassies.

According to a December 23 press report, the religious police beat up a mother and her daughter's driver, abducted the women using their car, then abandoned the women, who were locked in the trunk of the car after the car broke down. The religious police claimed the women had been visiting male friends and accused them of promiscuity. At year's end the courts had not yet decided on the women's suit against the religious police.

In spite of the law, although to a lesser extent than in the past, the religious police continued to raid private religious ceremonies, notably arresting and detaining Christians as well as the Ahmadiyya religious group (see section 2.c.).

On December 29, the religious police raided a gathering for food and prayer involving members of the Ahmadiyya religious group. Authorities consider them "non-Muslim" and heretical. Reportedly, the religious police detained 49 members, including approximately 19 women and children and 14 youths. Of the 49 individuals, there were 25 Indians, 23 Pakistanis, and one Syrian. At year's end, all 49 remained in police custody.

The authorities may detain without charge, or charge with attempting to destabilize the Government, persons who publicly criticize the Government (see sections 2.a. and 3).

Political detainees arrested by the internal security service were reportedly 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 Muslim minority. Government security forces, mostly religious police, reportedly arrested Shi'a based on scant suspicion, held them in custody for lengthy periods, and subsequently released them without explanation.

Citizens can report abuses by security forces at any police station; however, no information was publicly available regarding how complaints are handled.

Amnesty.—The Government continued its tradition of pardoning or granting amnesty to more than 9,000 prisoners on special occasions, including holy days and during Ramadan. The Government temporarily released prisoners on special occasions so they could visit family; some were permanently released. On October 12,

according to HRW, the Government released 700 detainees who were not involved in terrorist acts but had been suspected of harboring extremist thoughts.

e. Denial of Fair Public Trial.—The Basic Law provides for an independent judiciary, and the Government generally respected judicial independence in practice. Members of the royal family were not required to appear before the courts, and their associates have influenced judges. The Supreme Judicial Council, whose members are appointed by the King, appoints, transfers, and removes judges. The Ministry of Justice disciplines judges. The Basic Law allows for a public trial; however, most trials were closed to the public. Juries are not used. Despite 2002 laws providing for suspects' rights to legal counsel and requiring public trials, most trials reportedly were held in secret and without defense lawyers.

There are two types of courts: Shari'a and special. Special courts include commercial courts. The legal system is based on the Government's interpretation of Islamic law in all courts. 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.

Other civil proceedings, such as those involving claims against the Government and enforcement of foreign judgments, were 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.

The Government continued to reorganize the judiciary to improve administration of justice. Businessmen complained courts were ineffective and slow, court procedures were not well established, and that 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.

The Government permitted Shi'a to use their own legal tradition to adjudicate cases involving domestic issues, inheritance, and Islamic endowments. However, there were only two courts and two Shi'a judges. The two courts, one in Al-Hasa and the other in Qatif, handled cases of Shi'a family law. These courts did not have adequate resources to serve the large Shi'a population in the Eastern Province. Either party in a dispute can appeal the Shi'a court's decision to a Shari'a (Sunni) court based on Hanbali jurisprudence.

There was no comparable right for non-Muslims or foreigners; 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 courts-martial.

According to the Justice Ministry, 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.

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.

A woman's testimony does not carry the same weight as a man. 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 (see section 1.c.).

Laws and regulations state that defendants should be treated equally; however, sentencing was not uniform and crimes 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.

Islamic law 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 one-sixteenth of the amount a Muslim male receives. Women receive 50 percent of what men receive in each of these categories.

Provincial governors, all of whom were 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. In general, members of the royal family and other powerful families 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 press accounts, Deputy Minister of the Interior Prince Ahmad bin Abdul Aziz said the kingdom did not imprison persons on political grounds, but because they were terrorists or collaborators with terrorists or had violated Shari'a or civil regulations. The Government did not provide information regarding political prisoners or detainees or respond to inquiries concerning political prisoners. The Government conducted closed trials for persons who may have been political prisoners or detainees and in other cases has detained persons incommunicado for long periods while under investigation.

Civil Judicial Procedures and Remedies.—The Basic Law provides for an independent and impartial judiciary in civil matters. 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 reports of problems enforcing domestic court orders, primarily when a foreigner won a judgment against a citizen.

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. The Government generally respected this inviolability; however, there were some cases in which the Government infringed on these rights, notably religious police raids on private residences. 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 criminal investigations. The police generally must demonstrate reasonable cause and obtain permission from a provincial governor before searching a private home.

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. There were far fewer reports that some customs officials arbitrarily confiscated or censored materials including Christian Bibles and religious videotapes (see section 2.c.). 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 and Jews, as well as Muslims

(see section 2.c.). 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 was more lenient when approving marriages of 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. According to an official report, during the year there were 3,227 field officers working in 1,310 centers in all 13 provinces. They reported 390,117 incidents involving 402,725 persons of which only 101,143 were citizens. The religious police referred 6.4 percent of these incidents to the regular police and the courts. In certain areas, the religious police and freelance religious vigilantes harassed, abused, arrested, and detained citizens and foreigners (see section 1.d.).

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 be banned if they promote mischief and discord, compromise the security of the state and its public image, or offend man's dignity and rights. The Government continued to restrict freedom of speech and press and censored articles critical of the royal family or Islam. The authorities routinely censored foreign print sources. However, during the year, there was regular discussion in the media of social, economic, and political issues previously considered taboo such as reform, trafficking in persons, prostitution, homosexuality, the religious establishment, women's rights, and human rights.

The print media were censored and privately owned; some had close ties to members of the royal family. Journalists practiced self-censorship by refraining from direct criticism of government officials. A media policy statement and a national security law prohibit the dissemination of criticism of the royal family and the Government. The Government media policy statement urged journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Information must approve the appointment of, and may remove, all senior editors. The Government also provided guidelines to newspapers regarding controversial issues. The government-owned Saudi Press Agency expressed official government views. All newspapers in the country must be licensed by the Government. With a license, newspapers are allowed to carry government advertisements which accounted for the largest sources of revenue for the newspapers.

The Saudi Journalist Association was founded in 2004 under a government charter granted in 2003. Membership was voluntary and open to both men and women. Noncitizen journalists working in the kingdom were eligible to join as nonvoting members. The organization's board of directors, which was elected in 2004, had nine members, including two women. At year's end the organization was inactive.

Authorities continued to ban government employees from criticizing the Government. The Government enforced existing laws based on Article 12 of the Basic Law that provides the state with the authority to "prevent anything that may lead to disunity, sedition, and separation." Accordingly, 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."

Newspapers routinely investigated and published stories on crime and terrorism. Two London-based Arabic dailies, Al-Sharq Al-Awsat and Al Hayat, continued to be owned by members of the royal family and were widely distributed and read in the country. Both newspapers practiced self-censorship.

According to HRW, in June the secret police arrested Sa'ad bin Zu'air for 20 days for saying in an interview on Al-Arabiya television that the death of Abu Mus'ab Al-Zarqawi was "sad for most Muslims."

In December 2005 a new youth-focused paper appeared on domestic newsstands, called Al-Shams (The Sun). Printed in Bahrain, the paper is sold with tacit approval of the Government. Initially, the paper had only limited success, until it published the controversial Danish cartoons and was briefly shut down. On March 21, Al-Shams reappeared after a new editor in chief, Khalaf Al-Harbi, was appointed, and its success continued. The newspaper pledged to staunchly advocate the rights of young persons in the country for whom education, jobs, social services, and freedoms were key concerns.

The Government owned and operated most domestic television and radio companies. Government censors removed any reference in foreign programs and songs to politics, religions other than Islam, pork or pigs, alcohol, and sex.

On August 4, award-winning writer and women's rights activist, Wajiha Al-Howaider, was arrested on the causeway to Bahrain because she was holding a sign that read, "Give women their rights." She was released with a warning. On September 20, she was summoned and interrogated for six hours by the secret police for planning a peaceful protest on September 23, national day, by women demanding their rights. The secret police threatened her with the loss of her job at Saudi Aramco. Al-Howaider was released only after she signed a written pledge to cease human rights activities in the kingdom, including writing articles, organizing protests, and talking to the media. She was not allowed to leave the country for her home in Bahrain until September 28.

On September 27, the Court of Grievances dismissed the charges against the author of the popular novel, "Girls of Riyadh." A group of citizens filed charges against the author because she allegedly slandered society by writing a novel about socially unacceptable behavior by female citizens.

During the year the Consultative Council continued partial, delayed television coverage of its proceedings and allowed journalists to attend sessions.

Although technically illegal, there were several million satellite-receiving dishes in the country, which 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.

The Government banned books, magazines, and other materials that it considered sexual or pornographic. The Ministry of Information compiled and updated a list of publications prohibited from being sold in the country.

Internet Freedom.—The Government restricted access to the Internet, and there were reports that the Government monitored e-mail and Internet chat rooms. However, within limits, individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Government blocked access to Internet Web sites deemed sexual, pornographic, politically offensive, "un-Islamic", or disruptive because of controversial religious and political content.

Access to the Internet was available through local government monitored servers. There were as many as one million Internet subscribers. 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.

On October 9, the Consultative Council approved the country's first law to combat electronic crimes such as defamation on the Internet, hacking, unauthorized access to government Web sites, and stealing information related to national security.

On March 10, Mohsen Al-Awajy was arrested for criticizing the king's alleged heavy reliance on the advice of liberals on the Web site Wassatyah.com. On March 21, he was released after the NGO Reporters Without Borders petitioned for his release.

On April 4, Rabah El-Queay, a 23-year-old journalist of Al-Shams, was arrested in relation to content he posted on online forums using his real name. Prior to his arrest, El-Queay was involved in a car accident, allegedly part of the continuing harassment he endured because of his postings. The official investigation into the accident indicated that El-Queay was at fault because his writings had driven good men to harass him.

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. Some professors believed informants monitored their classroom comments and reported to government and religious authorities.

The Government continued to restrict cultural events. Citing a 2003 royal decree that stated the King Abdul Aziz Center for National Dialogue obviates the need for individual cultural forums, the Government closed Shi'a and Sunni cultural forums in the area of al-Ahsa in the Eastern Province. Cultural forums, particularly in Qatif, continue to operate. The Government does not allow movie theaters and restricted the public showing of films. Public performance of plays and music were allowed if they are traditional and part of a special event.

According to HRW, conservatives including the religious police harassed visitors and authors, especially women, at the February Riyadh International Book Fair, which displayed a Bible and works by banned author Turki Al-Hamad for the first time.

Starting on July 12, for four weeks the Jeddah Visual Shows Festival held the country's first film festival which showed 16 films, including documentaries, short-subjects, and one animated feature. Eight movies were domestic productions, seven were from the United Arab Emirates, and one was from Kuwait. The public forum was open to men and women. Cinemas have been banned since the 1980s.

On July 30, a fiction group at the Riyadh Literary Club organized a discussion that featured the showing of two domestic short-subjects from the Jeddah Visual Shows Festival. This screening was allegedly the first of its kind in Riyadh, and was attended by 40 males and the two male directors of the films.

On November 27, Al Riyadh, Al Hayat, and Al Watan reported that a "group of extremists" (ultra-conservatives) raided the theater, disturbed an audience, and forcibly ended a play at Al Yamamah College. The play was "A Moderate Who Lacks Moderation," by Ahmad Al-Eissa, President of Al Yamamah College. Security forces intervened to end clashes between the audience and the extremists. The extremists refused to leave the theater after the show was cancelled. The police fired shots to disperse them. The extremists continued their physical attacks on the organizers, reporters, and photographers. A number of them were arrested. Al Watan reported the Ministry of Culture and Information's deputy minister for cultural affairs said literary clubs can show films, if suitable for the public.

The Government censored most forms of public artistic expression and prohibited cinemas and public musical or theatrical performances, except those considered folkloric.

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. The authorities monitored large nonfamily gatherings, particularly if women were present. The religious police dispersed any large nonfamily 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 holds its general meetings in a hotel where male and female citizens and noncitizen participants mix freely.

In August the Government allowed the Shi'a of the Eastern Province to assemble to conduct three small, peaceful demonstrations centered in the Qatif oasis protesting Israeli military operations in Lebanon.

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 (see section 3). Any associations must be licensed by the MOI and comply with its rules and regulations.

The Human Rights First Society (HRFS) continued to operate without a government license. In December the interior ministry stopped the HRFS from holding its first membership meeting in Najran. Otherwise, the interior ministry seldom interfered with the HRFS, although it harassed its leader, Ibrahim Al-Mugaiteeb.

c. Freedom of Religion.—The Basic Law states that Islam is the official religion and all citizens are required to be Muslims. The legal system is based on the government-sanctioned interpretation of Islamic law. Government leaders called for tolerance and moderation, and King Abdullah and other leaders made public pronouncements condemning religious extremism. Government leaders also asserted that individuals have the right to practice their religion privately without government interference. On June 17, Al-Riyadh newspaper reported that the King gave a speech in Buraida in which he said that labeling citizens as secular, liberal, hypocrite, or extremist was divisive and contrary to the country's two key principles, Shari'a and national unity.

There is no legal recognition or protection of religious freedom, and it is severely restricted in practice. The Government limits the practice of all but the officially sanctioned version of Islam and prohibits the public practice of other religions. The Government continued to prohibit public practice of non-Muslim religions and limited religious practices of Shi'a and Sufi sects. As a matter of policy, the Government confirmed it ensures and protects the right to private worship for all, including non-Muslims who gather in homes for religious practice; however, this right was not always respected in practice and was not defined in law.

Conversion by a Muslim to another religion is widely considered apostasy, a crime punishable by death if the accused does not recant. There were no executions for apostasy during the reporting period, and there have been no reports of such executions for several years.

Citizens and especially foreigners widely believed in and sometimes practiced "magic" and "superstition." However, 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 are not always executed. An unknown number of detainees were held in prison on the charge of "sorcery" or the alleged practice of "black magic" or "witchcraft."

The practice of other schools of Sunni Islam was unsupported by the Government, and adherents of the Shi'a branch of Islam faced various forms of discrimination condoned by the Government, including restrictions on religious practice and on the building of mosques and community centers (see also sections 1.e., 3, and 5).

The Shi'a Muslim minority, estimated to be between 10 and 15 percent of the citizen population, lived mostly in the Eastern Province, although a significant number resided in Medina in the Western Province and in Najran in the southwest. Members were subjected to officially sanctioned discrimination of various forms. Many Shi'a view the ultimate jurisdiction of Shari'a (Sunni) courts over intra-Shi'a family matters as impinging on their religious freedom (see section 1.e.).

An estimated 700,000 Sulaimani Ismailis, a subset of Shi'a Islam, live in the country, primarily in Najran. According to HRW and media reports, on October 31, the King pardoned 10 of the at least 57 Sulaimani Ismailis Shi'a jailed following rioting in Najran in 2000. There were reports that the Government discriminated against Sulaiman Ismailis Shi'a by prohibiting them from having their own religious books, allowing religious leaders to declare them unbelievers, denying them government employment, restricting them to lower level jobs, and relocating them from the southwest to other parts of the country or encouraging them to emigrate.

According to HRW, during August and September, a Sulaimani Ismaili Shi'a, Hadi Al-Mutif, conducted a hunger strike to protest his continued imprisonment for "insulting the Prophet Mohammed." In his first trial, Al-Mutif was reportedly sentenced to death. Reportedly the Government never sentenced Al-Mutif to a certain term in prison; however, he has served at least 12 years. Reports that the King was going to pardon him during a December visit to Najran proved incorrect. At least one other man, a Sunni, who committed the same offense, was sentenced to life imprisonment, which was commuted to 14 years.

In September approximately 300 Sulaimani Ismaili Shi'a in Najran protested their "repression" and demanded the release of Ismailis held in jail since 2000 and an apology from a cleric and judge who labeled them "infidels." They also demanded the cessation of attempts by local authorities to resettle Yemeni tribesmen given citizenship on land owned by Ismailis.

Sulaimani Ismailis Shi'a in Najran reportedly were charged with practicing magic; however, the Shi'a Ismailis maintained that their practice was not magic as it adheres to their interpretation of Islam. Some conservative Sunnis disagree with this interpretation and claim that the Shi'a Ismailis believe in and practice magic.

The Government tolerated the public celebration of the Shi'a holiday of Ashura and other Shi'a holidays in the Eastern Province city of Qatif. The police monitored the celebrations. No other public Ashura celebrations were allowed in the country, including in cities where Shi'a were in the majority, and many Shi'a traveled to Qatif or Bahrain to participate in Ashura celebrations. The Government continued to exclude Shi'a perspectives from the state's extensive religious media and broadcast programming but appeared to have more sporadically enforced restrictions banning the importation and sale of Shi'a books and audio and video products. Shi'a were not allowed to teach religion to classes higher than the elementary grade level, and the Government did not allow Shi'a to open private schools for girls.

The media reported that the Government allowed the celebration of Gargean on the fifteenth day of Ramadan (i.e., children dress in traditional clothes going door-to-door asking for nuts and candies). This celebration reportedly began in the Eastern Province among the Shi'a but spread to the central, southern, and northern parts of the kingdom.

There was discrimination in the availability of facilities for religious activities. The Government issued permits to construct a few Shi'a mosques, including a large mosque in Qatif, although the process was more cumbersome and took far longer for the Shi'a community than for Sunnis. The Shi'a have declined government offers to build state-supported mosques because the Government prohibits the incorporation and display of Shi'a motifs in state-supported mosques.

Significant numbers of Sufis in the Western Province engaged in technically illegal practices such as celebrating the Mawlid, or Prophet's birthday, without government interference.

On December 7, prominent Sunni religious commentator and former professor at Imam Mohammad bin Saud Islamic University in Riyadh, Abdul Rahman Nasser Al-Barak, issued a fatwa attacking Shi'a, calling them "rejectionists" and "bearing all the characteristics of infidels."

The Government confirmed its policy to protect the right to private worship and the right to possess and use personal religious materials. However, it did not legally provide for this right, and there were reports of religious police raids on private residences and detentions of non-Muslims for alleged religious violations, such as possession of non-Muslim literature or holding non-Muslim worship services; however, there were fewer reports than in 2005. Many non-Muslims continued to worship in fear of harassment and in manners that avoided discovery by police or religious police. For the first time, the Government issued a report on the activities of the religious police during the year, which stated 1,652 individuals were arrested for being in public without praying during prayer time. The report also stated that there were 301,173 individuals arrested for working during prayer time. However, the report did not provide statistics on the numbers of individuals arrested for practicing non-Muslim religions. Anecdotal evidence suggested there was a decrease in both long-term and short-term detentions, and in arrests and deportations of non-Muslims. However, there were also reports that religious police, using both Muslim and non-Muslim informants, targeted non-Muslim religious leaders, organizers, and religious groups for harassment, arrest, and deportation in an effort to deter groups from conducting private, non-Muslim religious services (see section 1.f.).

During the year there were raids, arrests, and detentions of Christians throughout the country, although fewer than in the past. On October 15, the religious police raided a hall in Tabuk where a Filipino priest was preaching. The religious police confiscated bibles and detained the priest but no other churchgoers. The religious police turned the priest over to the "concerned authorities" to complete the investigation.

On June 9, 10 regular and religious police officers armed with wooden clubs raided a private Christian worship service in Jeddah. Approximately 100 Eritreans, Ethiopians and Filipinos were present. The police arrested the church leaders, two Ethiopians and two Eritreans. The church leaders were deported in July. In Jeddah, a Christian evangelical leader reported that religious police attended one of his services without disrupting the service but later in response to a complaint closed the church and detained one of the pastors.

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 permitted 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. Catholics and Orthodox Christians, who require a priest on a regular basis to receive sacraments required of their faith, were particularly affected.

Proselytizing by non-Muslims, including the distribution of non Islamic religious materials such as bibles, was illegal. The promotion of nonofficial interpretations of Islam was less restricted than it was in previous years. 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" (see section 1.e.). 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. In accordance with the religious establishment's interpretation of Shari'a, women were prohibited from marrying non-Muslims, but men were permitted to marry Christians and Jews (see section 1.f.).

The Government required noncitizens to carry legal resident identity cards (Iqamas), which contained a religious designation for "Muslim" or "non-Muslim." There were reports that individual religious police pressured sponsors and employ-

ers 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 either led, sponsored, or participated in private non-Muslim worship services. Additionally, 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.

During the month of December the press reported shopkeepers in Riyadh sold Christmas cards under the counter. During the year the religious police prohibited the sale of cards and flowers for Valentine's Day.

On December 29, the religious police raided a gathering for food and prayer involving members of the Ahmadiyya religious group. Authorities consider them non-Muslim and heretical. Reportedly, the religious police detained 49 members, including approximately 19 women and children and 14 youths. Of the 49 individuals, there were 25 Indians, 23 Pakistanis, and one Syrian. At year's end, all 49 remained in police custody (see Section 1.d.).

Societal Abuses and Discrimination.—There were no public places of worship for non-Muslims. Although significant numbers of Christians, Hindus, and Buddhists, and a few Jews resided in the country, there were no public churches, temples, or synagogues. There were reports of violence against and harassment of Christians, due to societal discrimination against foreigner workers coupled with religious discrimination.

There was anti-Semitism and criticism of the policies of the Government of Israel and Zionism in the media. For example, on January 13, an anti-Semitic cartoon in the Al-Yawm newspaper depicted Jews as thieves, calling them "God's Cheater People," a pun in Arabic on the expression "God's Chosen People."

According to the Anti-Defamation League (ADL), 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. For example, on April 24, a cartoon in the Al-Medina newspaper depicted an Israel Defense Forces tank's treads forming a swastika. According to the ADL, further anti-Semitic material appeared in the Ar-Riyadh newspaper on February 9 to the effect that "the only ones to benefit from inciting strife and wars between the Christian and Muslim world are the Jews in Europe and in the West. If you do not believe that, then read the Protocols of the Elders of Zion." Another example provided by the ADL came from an article in the Al-Hayat newspaper on June 6 comparing the Israeli government actions toward Palestinians to "the Nazi manner of killing, starvation, and racial segregation."

In May Freedom House released a report that stated that its review of textbooks revealed examples of hate speech and in particular noted that religious textbooks emphasized intolerance and hatred of religious traditions, especially Christianity and Judaism. In November 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. Many recently utilized textbooks still contain language that was blatantly anti-Semitic and intolerant of Judaism, Christianity, and the Shi'a tradition (see section 5).

During the year the King Abdul Aziz Center for National Dialogue held 13 preparatory meetings throughout the country for the November 30 sixth national dialogue, which focused on education. According to the Government the dialogue, meetings and preparations promoted tolerance and understanding, including for non-Muslim religions. During the year there were articles in local media reminding Muslims that Jews are "people of the book," that Jewish prophets such as Abraham, Isaac, and Jesus are shown due respect by Muslims, and that Mary was a Jew and is due respect by Muslims.

The Government took no reported action against anti-Semitic cartoons and articles which appeared in the media.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Basic Law does not provide for these rights. Freedom of movement was restricted. The Government must issue an exit visa for an individual to leave the country. Male citizens have the freedom to travel within the country and abroad unless they are under the age of 21, in which case they require the permission of their guardian if they want to travel outside the country. The Government restricted these rights for women based on its interpretation of Islamic Law. All women in the country were prohibited from driving. They must obtain written permission from a male relative or guardian before the authorities allow travel abroad (see section 5). The requirement to obtain permission from a male relative or guardian applied also

to foreign women married to citizens or to minor and single adult daughters of citizen fathers. Since 2001, women have been able to obtain their own identity cards; however, the Government required permission from a male relative or guardian to receive a card (see section 5). The Government has quietly begun to issue individual identification cards with a photograph to every female citizen, terminating the current practice of women carrying family cards only listing their names. Citizen women who have valid passports can obtain identity cards without needing verification from a male guardian; however, if a woman does not have a passport, she needs a male guardian to verify her identity (see section 5). During the year the Government continued to issue national identity cards to women, despite a national campaign against the practice by some religious conservatives.

Restrictions on travel applied to dual national children of citizen fathers. In cases involving custody disputes between foreign citizen women and their citizen husbands, the husband was legally able to prevent the travel of the children out of the country. All women, including adult female citizens, require the written consent of a male guardian to travel outside the country. The Government has worked with foreign consular officials to overcome a husband's refusal to permit travel by his female children and/or wife or ex-wife. During the year senior officials considered, on a case-by-case basis, allowing adult foreign citizen women to travel despite objections by their husbands, fathers, or other male relatives or guardians. However, government officials delayed issuing decisions and caused additional burdens and security concerns to those individuals attempting to leave the kingdom.

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.

Foreigners typically were allowed to reside or work in the country under the sponsorship of a citizen or business. Media reports in October announced an easing of this restriction for businessmen.

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 to some of the thousands of native residents who live in the country without possessing citizenship.

Collectively known as Bidoons ("without" in Arabic), these native born residents lack citizenship due to an ancestor's failure to obtain nationality, including descendents of nomadic tribes such as the Anaiza and Shammar, some of whose ancestors were not counted among the native tribes during the reign of the kingdom's founder, King Abd al-Aziz; descendants of foreign born fathers who emigrated to the country before citizenship was institutionalized; and rural migrants whose parents failed to register their births. They were denied employment and educational opportunities because of their lack of citizenship, and had limited ability to travel. Bidoons are among the poorest residents of the country because of their marginalized status.

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 as a pressure tactic to resolve disputes in their favor, forcing employees to accept nominal amounts of the money owed to them or by having foreign employees deported (see sections 5 and 6.c.).

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 reside outside the country (see section 3).

Citizens may emigrate. The Government prohibited dual citizenship; however, children who hold other citizenship by virtue of birth abroad were permitted to leave the country using noncitizen passports. An October 2005 citizenship law allows certain long-term residents and other foreigners to obtain citizenship.

The Government imposed travel bans on some reformers. The authorities sometimes confiscated passports of suspected oppositionists and their families. In addition, the Government revoked the rights of some citizens to travel outside the coun-

try. In several cases the Government revoked the right to travel for political reasons without notifying the individual or providing opportunities to contest the restriction.

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. However, a Shi'a professor, who faced a travel ban for his 2003 criticism of the Government's discriminatory policies against the Shi'a, was allowed to travel.

Protection of Refugees.—The Basic Law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN 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 forced return of persons to a country where 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.

The Government cooperated with the Office of UN 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 in late 2005 the Government permitted 364 Iraqi refugees at the Rafha refugee camp to reside in urban areas. During the year the UNHCR did not find any evidence of forcible repatriation. Since 1991 the UNHCR has facilitated the spontaneous repatriation of more than 8,000 Iraqi refugees (see section 1.c.). NGOs present in the camp included the Saudi Red Crescent and the International Islamic Relief Organization. At year's end less than 100 Iraqi refugees remained in the camp.

During the year the UNHCR granted refugee status to 216 people. No one who is in Saudi Arabia illegally, or has overstayed an umrah or hajj visa, may be granted refugee status.

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 or consultation and requires the King and crown prince to hold open majlises. (A majlis is an open-door meeting 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 all individuals have the right to communicate with public authorities on any issue. This right to petition is interpreted by the Government as a right to be exercised within traditional nonpublic means, in other words, not through the use of mass media. In practice, citizens did not have the right to change the Government peacefully. There were restrictions, as demonstrated by the 2005 conviction of the three political reformers convicted of "sowing dissent and disobeying the ruler" and for overtly advocating democratic reform (see sections 1.e and 2.a.).

Elections and Political Participation.—Only a few members of the ruling family had a voice in the choice of leaders or in changing the political system. On October 20, the King issued the new succession law which amended the 1992 Basic Law and formalized the process by creating the Allegiance Commission that will elect a king and crown prince upon the death or incapacitation of either. The Allegiance Commission is composed of the sons and grandsons of Abd al-Aziz 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.

Reportedly, some criticized the limited responsibilities of the municipal advisory councils that reviewed and provided recommendations on administrative and budgetary issues. Only male, nonmilitary citizens of at least 21 years of age could 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. Unofficial estimates were between 10 and 15 percent of eligible voters actually voted. The King completed the formation of the councils in December 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 legislation proposed by the ministries. The Consultative Council consists of 150 appointed male members and is divided into 11 committees. During the year the council appointed six women as part-time

consultants on matters of family and women's issues. The Government generally accepted amendments made by the council. The Consultative Council held hearings with some government officials to review the performance of their ministries and has the power to request documents from government ministries.

On June 27, for the first time, the Consultative Council rejected a proposed government policy to raise the salaries of members of the religious police.

The Supreme Ulema Council is another advisory body to the King and the cabinet (see section 1.e.). It reviews the Government's public policies for compliance with Shari'a. The Government viewed the council as an important source of religious legitimacy and took the council's opinions into account when promulgating legislation.

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. During the year King Abdullah visited all 13 provinces and held a variety of meetings with citizens throughout the country, including women. Ministers and district governors could be approached for discussion at a majlis, which were held on a regular basis.

Since 1992 various groups, including women and Shi'a, have submitted petitions calling for reform.

During the year three groups led by exiles advocated for a change in government. On April 30, the London-based Movement for Islamic Reform in Arabia (MIRA) brought its satellite Islah TV back on air using the hot-bird satellite after years of having been blocked because of government pressure on the French satellite provider. Since its establishment in 1996, MIRA has claimed it advocates the peaceful overthrow of the royal family. The head of MIRA and host of Islah TV, Saad Al-Fagih, was 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. On August 11, MIRA unsuccessfully tried to spark protests in the country. In October 2004, MIRA and CDLR also attempted to organize from London protests within the country but were unsuccessful largely due to their unpopularity with the public (see sections 1.d. and 2.b.).

On August 9, a Paris-based group, the 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 will coordinate its activities with other opponents of the Government, chiefly MIRA. The SDOF is led by 72-year-old Prince Talal Mohammed Al-Rashid, the son of the last ruler of the Rashidi emirate whose capital was in Hail. Al-Rashid has lived in exile in France since 1980. There was no subsequent reported activity by this group.

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.—There was a widespread public perception of corruption on the part of some members of the royal family and the executive branch of the Government. In the Transparency International Corruption Perceptions ranking of countries in terms of the degree to which corruption is perceived to exist among public officials and politicians, the kingdom was considered to have a serious corruption problem.

The absence of transparency in government accounts and in decision making encouraged this perception. There are no laws providing for public access to government information. Information concerning specific instances, allegations regarding corruption, or government actions against corruption was not available to the public, although allegations were known to those with access to foreign media.

Section 4. Governmental Attitude 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 organizations operated in a restricted ambit, reliant on government support. The one nonlicensed human rights organization, HRFS, operated without legal status.

On a number of occasions, the local media quoted HRFS President Ibrahim Al-Mugaiteeb and reported on HRFS operations. After having previously been deprived of his passport, Al-Mugaiteeb made several trips into and out of the country. He was also made a member of the HRC.

The NSHR, which was originally endowed by King Fahd, continued to receive requests for assistance and complaints about the Government. Since its creation in

March 2004, the NSHR has received approximately 7,000 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 has established offices in Jeddah, Dammam, Riyadh, and Jizan. By year's end it claimed to have handled more than 6,000 complaints, international as well as domestic, including "political injustices, administrative corruption, and reports by expatriate workers alleging abuse." The NSHR prefers to resolve cases by working with government agencies rather than filing court cases. The NSHR reported government officials cooperated with requests for information and action to resolve complaints.

On December 25, King Abdullah announced the appointment of the 24 members of the HRC board of directors. This specialized government organization has broad powers and reports directly to the King. Headquartered in Riyadh, the HRC was designed to protect, raise awareness of, and ensure the implementation of human rights in line with Shari'a rule. The HRC chairman has ministerial rank.

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 (see section 2.c.).

Women.—Shari'a prohibits abuse and violence against all innocent persons, including women. Although the Government did not keep statistics on spousal abuse or other forms of violence against women, reportedly such violence and abuse were common problems. Hospital workers reported many women were admitted for treatment of injuries apparently the result of spousal violence. Even though hospitals are now required to report any suspicious injuries to authorities, they are not appropriately trained to meet this requirement.

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, nonpayment of salaries, beating, physical abuse, and rape. Often female citizens were accused of committing many of the reported abuses (see section 5, Trafficking in Persons).

During the year the media reported more frequently on cases involving domestic abuse of women, servants, and children. Over 500 cases were reported. There were more reports about employers punished for abuse of domestic servants.

On August 19, the daily tabloid Al-Shams published a two-page investigative report on girls fleeing their homes due to domestic violence. The girls usually went to one of the social care houses, where they may be abused by supervisors. Some girls committed suicide because of mistreatment and the fear of being sent back to their families.

On August 20, ASharq Al-Awsat reported that the kingdom took actual steps to establish courts dealing with domestic violence. Specialists and activists against domestic violence called for increasing the number of social care houses and developing their services in order to protect victims.

The Justice Ministry acknowledged the large scale of the problem. The social affairs ministry's department of social protection conducted a study on domestic abuse in order to draft appropriate laws to protect women and children. The social affairs ministry also reportedly coordinated with other ministries to raise awareness. Nevertheless, the Government considered such cases generally to be family matters and did not intervene unless charges of abuse were brought to its attention. Increasingly, the NSHR investigated and instigated court cases against allegations of physical and sexual abuse. These cases usually involved abuse by a husband or father. The NSHR advocated for tougher laws and sentences for abuse. It was difficult for noncitizen women to obtain redress in the courts due to the courts' strict evidentiary rules, and the women and servants' own fear of reprisals.

Prostitution is illegal. However, some women (and men), primarily noncitizens, reportedly engaged in prostitution. The extent of prostitution was not known.

Law and custom discriminated against women. 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. There were no active women's rights groups per se. Women's rights were openly discussed during the Gulf Businesswomen's Forum and in the National Dialogue forums from April 3 to 5 in which women participated. NSHR also addressed various women's rights issues. Women may not legally drive motor vehicles and were restricted in their use of public facilities when men were present. Women must

enter city buses by separate rear entrances and sit 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.

The law provides that women may not be admitted to a hospital for medical treatment without the consent of a male relative; however, this was not generally enforced. According to law and custom, women may not undertake domestic or foreign travel alone (see section 2.d.).

All women require the permission (for an "exit visa") of a citizen male to travel, usually the husband or the father though sometimes the eldest son or eldest brother. This applies to all women, including noncitizen spouses of citizen men. Children, including dual national children, also require travel authorizations by a citizen male, and males under the age of 21 require the father's consent for issuance of their first passports. If a husband refuses to grant permission to travel to his wife, including noncitizen wives, the wife cannot travel. For noncitizen wives, in order to depart the country the only alternative is to divorce the husband, in which case the Government could issue her an exit visa. In this case, if the woman has children she would not be allowed to take them with her, and it is unlikely she would be allowed to re-enter the country.

In public, a woman was expected to 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. During the year religious police admonished and harassed citizen and noncitizen women who failed to wear an abaya and hair cover.

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 (see section 1.e.). Although Islamic law permits as many as four wives, polygamy was less common due to demographic and economic changes. Islamic law enjoins a man to treat each wife equally. In practice, such equality was left to the discretion of the husband. The Government placed greater restrictions on women than on men regarding marriage to noncitizens and non-Muslims (see section 1.f.).

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 the women 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: seven years for boys and nine 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 were limited to studying such subjects as engineering, journalism, and architecture. Approximately 5 to 7 percent of government scholarships for studying overseas are given to women. Men may study overseas; the law provides that women may do so only if accompanied by a spouse or male guardian. The Government paid the fees for a male guardian (or in some cases an older female guardian) to accompany female Saudi students on scholarships. In practice families rather than legal requirements decided whether women studied overseas without a guardian.

During the year there was increased attention in the press to women's issues, including gender discrimination, domestic abuse, health, rising divorce rates, employment, driving, and legal problems women face in the business world. Six women advised members of the Consultative Council (see section 3). Other women provided advice in private, closed-door sessions or through female members of the royal family. The two women elected to the Jeddah Chamber of Commerce continued to guide this organization. In February women also ran as candidates for the board of directors of the Eastern Province Chamber of Commerce and Industry; however, none were elected. The woman elected to the board of directors of the Saudi Engineers Council continued to guide the organization. On June 30, the Jeddah Literary Club held its first literary and cultural event for women.

Most employment opportunities for women were in education and health care. 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. The Justice Ministry agreed to license female lawyers who had previously been unable to practice law even though they had completed law degrees abroad or worked in law firms outside the country. Female lawyers, however, may not represent clients in court. Many foreign women worked as domestic servants and nurses.

In August the Ministry of Commerce and Industry issued regulations allowing female engineers to open their own engineering offices. One female engineer opened her own engineering office a few weeks after this decision.

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 requirement 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. During the year the Government allowed female citizen radio news broadcasters to work for the first time. The September 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 the prevalence of child abuse, since the Government kept no national statistics on such cases. Although in general the culture greatly prizes children, studies by citizen female 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, run shelters for women and children. The press has also raised national consciousness about the problem.

The education ministry continued to teach children their rights under the UN Convention on the Rights of Children.

During the year there were reports that the Government discriminated against noncitizen children on the basis of national origin, denying them access to education and emergency health care. HRW reported the Government targeted Chadian children that had been born in Saudi Arabia.

Trafficking in Persons.—There is no specific antitrafficking law. However, most forms of trafficking are criminalized under existing statutes. A 2004 ministerial decree specifically prohibits all forms of trafficking. The Government issued implementing regulations for the September 2005 labor law. Domestic laborers are not protected under the country's labor law. The majority of cases involving trafficking were settled out of court by mediation and settlements, and criminal prosecutions against abusive employers were few.

The country is a destination country for workers from Bangladesh, India, Indonesia, the Philippines, and Sri Lanka. Some foreign workers were subjected to conditions which constituted involuntary servitude, including nonpayment of wages, debt bondage, confinement, and physical or psychological intimidation. Cases of physical and sexual abuse were also reported. Domestic employees were especially vulnerable to abuse. Children were also reportedly trafficked into begging rings.

The Government took minimal measures to protect trafficking victims. Due to a lack of victim identification procedures in deportation centers and police stations,

it is believed that many victims of trafficking are deported or arrested 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, but most victims feared arrest or deportation if approaching government authorities due to their status as runaways (technically illegal); as such, most victims fled directly to their respective embassies to await repatriation.

The Government reportedly assists some trafficking victims with shelter, access to legal and medical services, and temporary residency status, which includes temporary relief from deportation. Trafficking victims are reportedly treated at public hospitals.

Foreign laborers', including domestic workers', passports were often illegally retained by their employers sometimes resulting in forced labor. Foreign nationals who have been recruited abroad have, after their arrival in the country, been presented with work contracts that specified lower wages and fewer benefits than originally promised. A small number of noncitizen women were thought to engage in prostitution, comprising a minor element of the trafficking problem in the kingdom (see sections 5, 6.c., and 6.e.).

Most victims prefer to settle their cases out of court due to the length of time it takes to receive a judgment and a perception of bias toward citizens of the country by the judicial system. On August 9, a Filipina maid fled her sponsor after allegedly enduring seven months of physical abuse. The police arrested her sponsor who confessed and paid an out-of-court settlement of approximately $8,000 (30,000 SR). On September 12, an Indonesian maid was allegedly beaten by her sponsor's wife. She settled out of court for an undisclosed amount. On November 6, nine Nepalese women who claimed to have suffered physical and verbal abuse during their employment as maids in the country were repatriated to Nepal.

On August 26, Al-Shams presented an investigative report entitled "Girls for Sale" claiming trafficking of Yemeni girls into the country had increased recently. Allegedly, trafficking gangs were bringing the girls to marry men illegally. "Marriage matcher" Um Mohammed said she looks for men seeking a Yemeni girl and charges $2,666 (10,000 SR). Trafficking takes two forms: men travel to Yemen, select their prospective wives, then smuggle them into the country for $1,333 (5,000 SR); or gangs smuggle Yemeni girls into the country for marriage at $2,666 (10,000 SR).

The Ministry of Foreign Affairs heads a multi-agency working group on combating trafficking in persons. The group includes representation from the Ministries of Labor, Interior, Justice, Culture and Information, Hajj, and the Human Rights Commission.

There were no reports of government or police involvement in trafficking during the year.

The Government uses the media to educate the public about foreign workers' rights and trafficking in persons.

The Government published a brochure outlining noncitizen worker's rights and obligations, as well as contact information for seeking help and assistance. The brochure was distributed to foreign embassies and was 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.

During the year the Government took a variety of steps promoting more rights for and elimination of discrimination against persons with disabilities. The Government established an endowment committee for children with disabilities and a supreme council to deal with the affairs of the disabled, with the crown prince as chairman. Foreign criminal rings reportedly imported children with disabilities for the purpose of forced begging (see sections 5, 6.c. and 6.f.). 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 and even family.

Police generally transported persons with mental disabilities found wandering alone in public to their families or a hospital. Police asserted that, according to Islam, family members should be taking care of such individuals.

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 their in-laws or others because either the husband or wife was from "inappropriate lineage," i.e., a nontribal family or from an inferior tribe. For example, the half brothers of Fatima Al-Timani successfully filed for the divorce of Fatima and her husband Mansour Al-Timani because they claimed Mansour had lied about his inferior tribal lineage. At year's end his appeal of the divorce was before a Riyadh court. In July she chose imprisonment rather than living with her half brothers or in a shelter. After the divorce, prison officials forbade him from visiting her because the court had voided their marriage. At year's end the case remained before the courts.

Other Societal Abuses and Discrimination.—Under Shari'a as interpreted in the kingdom, sexual activity between two people 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 (see section 1.c.). There were reports of societal discrimination based on sexual orientation.

There were reports of discrimination, physical violence, and harassment toward homosexuals.

On August 16, the media reported that 250 young men were detained and subsequently 20 were arrested at a suspected "gay wedding" in Jizan.

On November 7, the media reported that police arrested five men on November 2 for preparing to stage a beauty contest for homosexual men. The five men had previously been arrested in May for the same offense. The police confiscated evaluation sheets, beauty products, make-up, lingerie, sex toys, and aphrodisiacs. 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.

According to a December 23 press report, during the year a journalist was arrested for "harboring destructive thoughts" and accused of promoting homosexuality by commenting on Internet fora that homosexuality is caused by genetics. The case was dismissed. The lawyer who defended the journalist was criticized for being a "lawyer for homosexuals."

Beginning in June the NSHR held meetings to prepare a proposal for a system to raise awareness about HIV/AIDS and protect HIV/AIDS patients in the kingdom. The media reported that there are 11,000 people living with AIDS in the country. Although the media continued to discourage discrimination against AIDS patients and those infected with HIV, the press reported that the Government failed to provide proper medical treatment to HIV-positive noncitizens and treated them poorly until their deportation. The Ministry of Health set up three HIV centers that provided diagnostic and preventive services. In September the media reported medical staff refused to attend to a pregnant HIV-positive woman, causing her to miscarry.

Incitement to Acts of Discrimination.—The Government worked to review and revise school textbooks used at schools which it maintains inside and outside the kingdom to eliminate intolerant and discriminatory language that promotes racial or ethnic hatred or incited violence against any racial or ethnic group (see section 2.c.).

Section 6. Worker Rights

a. The Right of Association.—The Basic Law does not address freedom of association. The Government prohibited the establishment of labor unions; however, since 2001, the Government has authorized the establishment of labor committees for citizens in local companies, including factories, with more than 100 employees. However, no practical steps have been taken to implement this decision.

b. The Right To Organize and Bargain Collectively.—Neither the 1992 Basic Law nor the 2005 Labor Law provide for collective bargaining. Collective bargaining remained prohibited. Foreign workers comprised approximately 88 percent of the work force in the private sector.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. The law prohibits employers from retaining foreign employees' passports without the employees' consent. This law was not well known or enforced, so it was frequently violated. This practice sometimes resulted in forced labor, especially in remote areas where workers were unable to leave their places of work and cannot legally travel without an identity card. In addition some sponsors prevented

foreign workers from obtaining exit visas to pressure them into signing a new work contract or to drop claims against their employer for unpaid salary or benefits (see section 2.d.). 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 workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. Many foreign workers went to labor courts, which regularly ruled in favor of the workers. Labor courts, while generally fair, sometimes took many months to reach a final appellate ruling. Often noncitizen workers engaged in a court case against their employers cannot legally work, placing an additional burden on the worker and compelling a negotiated settlement. Employers sometimes delayed cases until a worker's funds were exhausted, and the worker was forced to withdraw his case (see section 5).

The labor ministry established the department for protection of foreign workers to address 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.

In the first six months of the year, the labor minister banned 75 companies from obtaining labor visas. Companies were banned for trading in visas, nonpayment of employee wages, and for a variety of other reasons.

The law does not specifically prohibit forced or compulsory labor by children, and there were a few reports that it occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor did not appear to be a problem, with the possible rare exceptions of forced child begging rings, 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 a new labor 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 that are construed as 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 Justice Ministry 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 Hajj or Umra over-stayers. 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 SR) per month, which is based on the minimum monthly contribution to the pension system. For noncitizen workers, there was no official minimum wage. 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 (see section 5).

Labor regulations establish a 48-hour work week at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. Labor law provides for a 24 hour rest period, normally on Fridays, although the employer may grant it on another day. The labor law increased annual leave for citizen employees from 14 to 21 days and provided a minimum six-week maternity leave for female citizen employees and new requirements to provide child care at places of employment. 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. The minister of labor stated the unemployment rate was 5 percent (because very few citizens enrolled in a recent job placement program). The National Statistics Bureau claimed unemployment was 9.6 percent. Some bankers believed the unemployment rate was 20 percent, and a prominent royal and business leader recently stated the number was closer to 30 percent. None of these estimates included women, who are prohibited from working in the majority of business sectors and positions. On May 10, the media reported that the General Organization for Technical Education and Vocational Training (GOTEVOT) reported it had 6,971 female trainees for cashiering, receptionist, and other "appropriate" vocational areas and had

trained over 10,000 as a practical step to add women to the workforce. In September GOTEVOT reported it opened a number of colleges for women in the country.

Approximately 80 percent of all working citizens worked directly for the Government. Indirectly, nearly all citizens worked for the Government in one way or another if those working for parastatals, such as Saudi Arabian Airlines and Saudi Aramco, were included. According to the Government, citizen workers accounted for only 12 percent, less 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 (see section 6.b.).

Labor regulations require employers to protect most workers from job-related hazards and disease. However, foreign nationals reported frequent failures to enforce health and safety standards. Farmers, herdsmen, domestic servants, and workers in family-operated businesses were not covered by these regulations.

Foreign nationals who have been 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. Recognizing this issue, the authorities have created 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, did not apply to foreign domestic servants, who may not seek the protection of the labor courts. However, the bilateral labor agreements stipulate work conditions which provide for one day of rest per week. There were credible reports that female domestic servants were sometimes forced to work 16 to 20 hours per day, seven days per week. There were numerous confirmed reports of maids fleeing employers and seeking refuge in their embassies or consulates (see section 5). Foreign embassies continued to receive reports of employers abusing domestic servants. Such abuse included withholding of food, beatings, other physical abuse, and rape (see section 5).

The Government has established welfare shelters to house female domestic servants who flee their place of work. The Government offered arbitration between the worker and employer and investigated allegations of abuse. Allegations were either settled in court or through negotiation.

The campaign to remove illegal immigrants from the country did little to reduce unemployment or to increase the number of jobs held by citizens. Illegal immigrants worked in positions that most citizens considered unworthy. The Government carried out the campaign to remove the illegal aliens by widely publicizing its enforcement of existing laws against both the illegal aliens and the citizens employing or sponsoring them.

The expeditious repatriation of some illegal immigrants and the legalization of others improved overall working conditions for legally employed foreigners. Illegal immigrants generally were willing to accept lower salaries and fewer benefits than legally employed immigrants. The departure or legalization of illegal workers reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits. Furthermore, their departure or legalization removed a large portion of the class of workers most vulnerable to abuse and exploitation because of their illegal status.

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, his ministers, and senior members of the ruling Ba'ath Party (Arab Socialist Resurrection). In 2000 an unopposed referendum confirmed President al-Asad for a seven-year term. The constitution mandates the primacy of Ba'ath party leaders in state institutions and the parliament; party leaders influenced all three branches of the Government. 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 human rights record remained poor, and it continued to commit serious abuses. There were significant limitations on citizens' rights 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 in-

dividuals, while lengthy pretrial and incommunicado detention remained serious problems. Beginning in April 2005 and continuing throughout the following year, the Government increasingly violated citizens' privacy rights and stepped-up already significant restrictions on freedoms of speech, press, assembly, and association amidst an atmosphere of government corruption and lack of transparency. Violence and societal discrimination continued against women. 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, one person died in detention following torture or mistreatment by security services during the year. On April 24, a local human rights organization reported on the death of Muhammed Shaher Haysa as a result of a heart attack while detained. His body, which was handed over to his family in April, bore evidence of earlier torture during the months of his imprisonment for allegedly belonging to the banned "Jund al-Sham" Islamist organization (see section 1.c.).

Press reports indicated that a Syrian Kurd, Muhammed Oso Ali, reportedly died in March as a result of an untreated case of asthma. Ali was completing his mandatory service in the armed forces in the village of Khirbit Shahab at his time of death. On March 30, his family received his body, which displayed evidence of torture prior to his death (see section 1.c.).

Authorities failed to conduct independent investigations into these deaths by year's end.

In March, June, September, and December, Chief Investigator for the UN International Independent Investigation Commission (UNIIIC) Serge Brammertz issued interim reports to the UN secretary-general of the still ongoing investigation into the February 2005 Beirut assassination of former Lebanese Prime Minister Rafiq al-Hariri and 22 other individuals. In October 2005, the first interim report concluded that evidence pointed toward the involvement of Syrian authorities in the assassination of al-Hariri. The December 2005 report stated that the ongoing investigation reinforced the conclusions of the October report and requested a six-month extension, noting Syrian authorities' "reluctance and procrastination" and citing its attempt to "hinder the investigation internally and procedurally." The March, June, September, and December reports described general satisfactory cooperation from Syrian authorities into the investigation, neither concluding nor ruling out their possible involvement.

In 2005 according to human rights organizations, four persons died in detention due to security service torture or mistreatment. Authorities failed to conduct independent investigations into these cases by year's end.

Authorities also failed to investigate and publish findings in the following cases from 2004. International and domestic human rights organizations reported that 13 citizens died in detention due to torture or mistreatment by the security services. Six of the 13 were reportedly Kurdish men in the military who died under suspicious circumstances. Additionally, in March 2004 five died in detention after Kurdish riots.

During the year the Government did not bring charges against an off-duty Sunni military officer and his brother for the 2004 killing of two Assyrian Christians in Hassakeh Province. There were also no hearings in the civil case against the police and the Ministry of Interior (MOI) on behalf of Firas Abdallah, who died in police custody in 2004 in Damascus as a result of beatings.

b. Disappearance.—There were reports of politically motivated disappearances during the year.

Since his 2004 arrest, Kamal al-Bittar, a Palestinian, has vanished, according to a February report of a local human rights organization.

On April 19, security forces in Aleppo arrested the following citizens: Jihan Muhammed Ali, Adnan Khalil Racheed, Waheed Jihad Moustafa, and Fawzi Ali Kahwa. Their whereabouts and reasons for arrest were unknown at year's end, according to human rights organizations.

On May 11, security officials arrested eight Ahwazi Iranians (see section 1.d.), five of whom were deported and believed to be held in Iran at year's end, according to international human rights organizations.

On August 10, writer and English teacher Ali Sayed al-Shihabi initially disappeared after responding to a summons for a meeting in Damascus with state security agents. According to international human rights groups, although he has not

been charged with any offence, al-Shihabi's disappearance may be linked to his publication on political and social issues. Al-Shihabi was reportedly also detained between 1982 and 1991 for his membership in the banned Party for Communist Action, which he has since left. On December 30, despite his disappearance, Al-Shihabi was pardoned as part of the year-end amnesty; however, he remained detained at an unknown location at year's end.

On November 6, a local human rights organization reported the September 4 disappearance on his return to the country of Osama Muhammed Ali al-Ello, a citizen who resided with his family in the United Arab Emirates. At year's end his whereabouts remained unknown.

The Government did not 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 have disappeared; little is known other than the approximate date of their disappearance. A local human rights organization recorded at least three thousand disappearance cases in the country of Syrians and Palestinians since the late 1970s, and estimated that the actual number may be several thousands more.

The Government has a long history of persons who disappeared and were believed to have died or to be in long-term detention (see section 1.e.).

In 1999 the Government claimed it had released all Palestinian, Jordanian, and Lebanese citizens reportedly abducted from Lebanon during and after its civil war (1975–91). According to Human Rights Watch (HRW), an estimated 17,000 Lebanese citizens and stateless Palestinians were "disappeared" by security forces in the early 1990s alone. Various nongovernmental organizations (NGOs) and family members of those who allegedly remained in prison continued to dispute the Government's claim that all abductees had been released (see section 1.d.).

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, including 49 Kurds who went on trial during the year in a Damascus military court for their involvement in a June 2005 demonstration in the Hassakeh Province (see section 5). Torture and abuse of detainees was also reportedly common.

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; and using a backward-bending chair to asphyxiate the victim or fracture the victim's spine. Amnesty International (AI) asserts that it has documented 38 types of torture and ill-treatment used against detainees in the country. Torture was most likely to occur while detainees were held at one of the many detention centers operated by the various security services throughout the country, particularly while authorities attempted to extract a confession or information.

On April 24, a local human rights group reported that the body of Muhammed Shaher Haysa, handed over to his family at the military hospital in Harasta, Damascus, showed evidence of torture (see section 1.a.).

On August 8, according to local human rights groups, a 40 year-old detained Kurdish woman activist, Naimah Abdu Bint Muhammed, was taken to a military hospital after allegedly being subjected to severe torture. She remained detained at year's end.

On October 12, according to press reports, three Canadian citizens suspected of al-Qa'ida links reported upon their return to Canada that they were tortured by Syrian authorities and that foreign security officials had supplied authorities with intelligence and questions to pose while they were detained in the country. Ahmad al-Maati, Abdullah al-Malki, and Muayyed Nureddin, Canadian citizens born in Kuwait, Syria, and Iraq, respectively, were detained by military intelligence officers during their trips to the country from 2001 to 2004. All three men were reportedly released without charges between January and March 2004.

On April 26, The Daily Star of Lebanon reported that a French man of Lebanese origin who was detained in September 2005 at the Syrian-Lebanese border by Syrian authorities and later transferred to Detention Center 235 (Palestinian Branch), continued his lawsuit in a French court against Syrian authorities for exposure to

torture and "savagery." The man, identified in press articles as Charles F., was held for 10 days, during which he was reportedly beaten with electrical cables, kicked, and forced to watch other prisoners being tortured.

Past victims of torture have identified the officials who tortured them as up to the level of brigadier general. In past years when allegations of excessive force or physical abuse were made in court, the plaintiff was instructed to raise the matter in a separate civil suit against the alleged abuser. However, no action was taken against the accused. There were no confirmed cases or new allegations during the year. Courts did not order medical examinations for defendants who claimed that they were tortured (see section 1.e.).

Police beat and mistreated detainees during the year. In May, security forces reportedly beat human rights lawyer Anwar al-Bunni, Atassi Forum member Mahmoud Mahfouz, and activist Nidal Darwish during questioning at investigatory branches, following their arrest for signing the Damascus-Beirut Declaration (see section 1.d.). In addition, Ali Abdullah, a signatory of the Damascus-Beirut Declaration, was also beaten by security forces.

In March 2005 Safwat Abdallah died following a police beating in Lattakia. In November 2005 human rights activist Dr. Kamal al-Labwani reported to other human rights observers that he had been struck four times by a security official while in political security custody and had not been given food for four days. Dr. Labwani was detained earlier that same month by authorities at Damascus International Airport following a three month-long trip abroad (see section 1.d.).

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.

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 surgical treatment. Some former detainees reported that the Government denied political prisoners access to reading materials, including the Koran.

There were separate detention facilities for men, women, and children; several reports cited minors being 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. The Government failed to provide adequate security for prisoners and detainees during the year. For example, in May there were reports that other prisoners beat political prisoner Fateh Jammous (see section 1.d.), and that prison officials failed to move Jammous to another cell. Additionally, on November 1, according to local human rights activists, another prisoner attacked opposition leader Kamal al-Labwani (see section 1.e.) in his cell. During his November trial hearing, Labwani reported on the beatings carried out by inmates and instigated by the authorities.

Facilities for political or national security prisoners generally were worse than those for common criminals. Released political detainees confirmed reports of poor prison conditions, including overcrowded cells and a shortage of beds. For example, a December 2005 AI report indicated that Syrian-born German national Muhammad Haydar Zammar (see section 1.b.) may have spent almost three years in solitary confinement at the Palestine Branch of Military Intelligence. He was reportedly detained in a small underground cell which hindered his ability to lie down or stand up.

The Government prohibited any 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 access in some cases during the year. In almost all cases during the year, the Government neglected to inform diplomatic missions when their citizens were arrested.

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. Syrian Military

Intelligence (SMI) and Air Force Intelligence are military agencies; the MOI exercises nominal control over general security, state security, and political security.

The MOI controlled the police forces, which consist of four separate divisions: emergency police, traffic police, neighborhood police, and riot police.

There are four major branches of security forces—Syrian Military Intelligence, Political Security Directorate (PSD), General Intelligence Directorate (GID), and Syrian Air Force Intelligence (SAFI)—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.

Corruption continued to be a serious problem throughout 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.

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. The individual is then tried in a court, where a judge renders a verdict (see section 1.e.). 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 up to a year for access to relatives.

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 court personnel. Suspects were detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. Human rights organizations reported that many 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.

There were reliable reports that 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 an Iranian Ahwazi refugee with Dutch nationality (see section 2.d.), the Government informed his embassy of his deportation in August, three months after he was deported to Iran.

Detainees have no legal redress for false arrest. The authorities detained those critical of the Government under the Emergency Law and charged them with treason.

In cases before regular courts, judges render verdicts. There are no juries, and lawyers were not ensured access to their clients before trial (see section 1.e.).

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. On September 5, a higher court granted an appeal for bail for Muhammed Mahfouz, who was detained earlier in the year with several other activists for having signed a document called the Damascus-Beirut Declaration calling for reconciliation between Syria and Lebanon. Later in September, three others arrested at the same time were granted bail. In October, two other activists who faced similar charges were denied bail.

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.

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 (see section 1.b.). 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. Many criminal suspects were held in pretrial detention for months and may have had their trials extended for additional months. Protracted court proceedings were caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining (see section 1.e.).

During the year human rights organizations estimated that security forces increased arrests for alleged ties to radical Islam. For example, on April 19, 20 men

were arrested in the city of Dara'a on allegations that they belonged to the Islamist group, Hezb al-Tahrir. On April 21, three other men were arrested on similar charges upon their return from Lebanon. In June following an attack on the Radio and Television Building in Damascus, the Government publicly stated the perpetrators were from an extremist Islamic group. Security forces subsequently arrested scores of persons with alleged links to the assailants, according to local human rights groups. The number of such arrests in 2005 ranged from 80 documented arrests to as high as 500. During 2004, security forces conducted mass arrests of suspected Islamists in Damascus, Aleppo, Hama, Hayaleen, and Qatana (see section 1.c.). At year's end the suspected Islamists are being held at Sednaya prison and are being tried in front of the Supreme State Security Court (SSSC).

Arbitrary arrest and detention was a severe problem. Laws, which human rights groups considered arbitrary and unjust, criminalized membership and activity in organizations the Government deemed illegal. As a result, during the year security forces arrested scores of persons with links to local human rights groups; pro-democracy student groups; minorities, particularly Kurds; members of the Muslim Brotherhood; and suspected Islamic extremists.

During the year the Government continued its sustained crackdown on civil society and human rights activists. For example, on January 14, security forces arrested Aleppo City Council employee Fahd Da'doush and reportedly transferred him to Damascus on unknown charges, according to media and eyewitness reports.

On January 22, security forces released Ahmet Muhammad Ibrahim, who was arrested in March 2005 following his return from Turkey, where he was acquitted of membership in Kongra Gel (formerly known as the PKK).

On February 14, Muhammed Najati Tayara was arrested on the Syria side of the border with Jordan for unknown reasons. His detention, similar to the February 14 detention of former member of parliament (MP) Mamoun al-Homsi and the February 15 detention of former MP Riad Seif, occurred during the February 12–16 Damascus visit of Frej Fenniche, Acting Representative for the Arab Region of the UN's High Commissioner for Human Rights. Tayara was subsequently detained again on March 22 and released by the General Intelligence Directorate (GID) on March 25.

On March 5, PSD agents arrested and detained for four days Muhammed Riad ad-Drar, the son of jailed civil society activist Riad Hammoud ad-Drar, in front of the SSSC. He was distributing leaflets calling for his father's release at the time of his arrest.

On March 12, former MP Riad Seif was arrested at a vigil to commemorate the March 2004 clashes between Kurds and security forces in Qamishli in northeastern Syria (see section 5). Seif was later released the same day without charges. Also arrested at the vigil were Zubeir Abdulrahman Rajab and Mahmoud Muhammed Ali who were detained for 20 days before being charged in Damascus Military Court for causing a riot; they were released on bail. Zubeir Abdulrahman Rajab was granted amnesty on December 30, while the trial of Mahmoud Muhammed Ali continued at year's end.

On March 12, Dr. Ammar Qurabi, spokesman for the Syria-based Arab Human Rights Organization, was arrested upon his return to the country after a two-month foreign trip. He was held for four days before being released with no charges. On March 26, he was again arrested and detained for 24 hours.

On March 25, SMI agents arrested and detained for two days without charge Aleppo-based Syrian Free National Party founder and Damascus Declaration signatory Samir Nashar. Nashar was prevented from traveling abroad in February, according to international human rights groups.

In March Abd al-Jabbar Ahmed Al-Alaawi and his family were arrested after his arrival to the Syrian border from Iraq. His family members were released on bail; however, at year's end, he remained in detention at an unknown location, according to local human rights groups.

On April 2, authorities sentenced Abdul Sattar Qattan to death, commuted to 12 years in prison, for his alleged membership with the Muslim Brotherhood. The military intelligence branch in Aleppo arrested Qatan in 2004 for his alleged involvement with members of the Muslim Brotherhood and for distributing aid to ex-detainees.

On May 11, security forces arrested eight Ahwazi Iranians, including recognized refugees, and held them incommunicado. An international human rights group reported that the detainees were Sa'id Awda al-Saki; Faleh Abdullah al-Mansouri; Rasool Mazrae; Taher Ali Mazrae; Jamal Obeidi; Musa Suwari; Ahmad Abd al-Jaber Abiat, and Issa Yassin al-Musawi. According to the human rights group, a few days after the detentions, authorities deported al-Saki, who was a recognized refugee by the UN High Commissioner for Refugees (UNHCR), back to Iran. Suwari, Abiat and

Musawi were released several days after their detention. In May authorities deported Dutch-national Mansouri back to Iran. In November UNHCR officials learned that Rasool Mazrae, Taher Ali Mazrae, and Jamal Obeidi, who are recognized by the UNHCR as refugees, were also reportedly handed over to the Iranian authorities.

From May 14 to 18, security agents arrested 12 signatories of the Damascus-Beirut Declaration, a petition which called for the normalization of Syria-Lebanon relations (see section 2.b.).

On June 21, authorities released Ghiab Habab after completing his six-month sentence. Security forces detained Ghiab in December 2005.

On August 23, security forces arrested 14 people in the province of ar-Raqqah and Idleb for their alleged affiliation with extremist Islamist groups. The majority were reportedly released by year's end.

On September 19, authorities released Dr. Mahmoud Sarem on bail. Authorities arrested Sarem in September 2005 and subsequently charged him with criticizing the Government and the President in public. His trial at the SSSC continued at year's end.

On November 14, police arrested Murad Khaznawi, son of Sheikh Mashook al-Khaznawi (see section 5), while on his way to Jordan with his family. He was released the next day.

On December 13, local observers reported that security forces arrested Fa'ik al-Meir in Lattakia. On December 20, an investigating judge indicted Meir, a member of the central secretariat of the People's Democratic Party in Syria, on several charges, including three capital counts.

On December 20, military intelligence arrested Mohammed Sheikhmos Aali (aka Sheikh Aali) in Aleppo. Aali, who is Secretary of the Democratic Union Party and a leading figure in the Kurdish political movement, remained in custody at year's end without charge.

On November 19, the SSSC sentenced human rights activist Nizar Rastanawi, founding member of the Syrian branch of the Arab Organization for Human Rights, to four years in prison for spreading false information and defaming the President. In April 2005 security forces arrested Rastanawi while returning to his home in Hama and detained him incommunicado until August 2005.

There were no new developments in the 2005 arrests of the following persons: Ammar Hussein Fakhri, Majid Bakri Suleyman, Shayish Ali al-Tayyar, Muhammad Fayiz al-Hursh, Hazem Abdul-Kafi al-Jundi, Muhammed Hassan Dib, Mahmoud Samaq, Yusuf Muhammed Ahmad Qarmo, Muhammed Abdulkader al-Taweel, Ahmad Qattee', Dr. Mahmoud al-Rashid, Hayan Abdul-Samad, and Mahmud Yusuf.

The Government continued threatening or detaining the relatives of detainees or of fugitives 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. In 2005 human rights organizations also reported at least three arrests of family members and friends who had inquired to authorities about the welfare and whereabouts of political detainees.

Amnesty.—On December 30, President al-Assad granted a limited Presidential amnesty. The amnesty covered mostly misdemeanors such as smuggling, military service violations, or juvenile offenses. However, there were a small number of political prisoners pardoned—mostly those who had been convicted of personally insulting the President, the military, or another government institution. Political prisoners accused of more serious and sometimes capital offenses did not receive amnesty during the year.

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 (see section 5). 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 four-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.

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. Furthermore, a number of personal status laws utilize Shari'a regardless of the religion of those involved in the case (see section 5).

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. Defendants appeared to be tried for exercising basic political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," and creating "sectarian strife." The Government stated that the SSSC tries only persons who have sought to use violence against the state, but the majority of defendants who appeared before the SSSC were prosecuted for exercising their political rights.

Under SSSC procedures, defendants 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 were closed to the public. Lawyers were not ensured access to their clients before the trial and were excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submitted written defense pleas rather than making oral presentations.

Unlike in the past, no defense lawyers defending human rights cases were suspended from the bar during the year. The SSSC presiding judge continued his courtroom ban of a lawyer (in effect since November 2005) for arguing with him during a hearing of a number of other Islamists.

Human rights organizations estimated that hundreds of cases are tried by the SSSC annually. The majority of cases involved charges relating to membership in various banned political groups, including religious parties such as the Muslim Brotherhood, the Islamic Liberation Party, as well as the Party of Communist Action, and Syrian Kurdish parties. Sentences up to 15 years have been imposed in the past.

On November 14, the National Organization for Human Rights reported that the SSSC sentenced Ali Ahmad Eid to nine years in prison; Hikmat Abdul Aal and Khaled Hammami to seven years; and Ahmad Harraniah, Abdul Mouti Kilani, Samer Abul Kheir and Naim Mrouweh to six years. All defendants were found guilty of "affiliation with a fundamentalist extremist group" and were from the Outaiba region.

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 (see section 4). Diplomatic observers were granted access to the weekly SSSC sessions in Damascus throughout the year.

Political Prisoners and Detainees.—The number of political prisoners and detainees was unclear. Human rights activists estimated that the number of prisoners and detainees during the year had not changed significantly since the previous year. In 2005 they estimated that there were at least 325 in Sednaya prison, approximately 150 in Adraa prison, and possibly up to several hundred to 1,000 additional political prisoners and detainees in other prisons, security service detention facilities, or other secret detention facilities throughout the country. Human rights activists were unable to provide any firm estimates on these additional prisoners. The Government did not permit regular access to political prisoners or detainees by local or inter-

national 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 and Palestinian political prisoners and detainees. Estimates of their numbers 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.

Former prisoners were subject to a so-called "rights ban," which lasts from the day of sentencing until seven years after the expiration of the sentence in the case of felony and three years in the case of misdemeanor convictions. Persons subjected to this ban were not allowed to vote, run for office, or work in the public sector; they were also oftentimes denied passports. In practice, restrictions sometimes continued beyond that period.

Since March 18, according to an international human rights organization, Omar al-Abdullah, the son of human rights activist Ali al-Abdullah, remained in incommunicado detention in Sednaya prison. Abdullah was held with seven other men arrested between January 26 and March 18, apparently for their involvement in a political youth movement.

On March 23, Ali al-Abdullah, human rights activist and member of the Jamal al-Atassi Forum (a predominantly secular group encouraging dialogue among political parties and civil society to promote reform), and his other son, Muhammad, disappeared and were held incommunicado for more than a month before officials acknowledged their detention in April in connection with their weekly presence outside SSSC proceedings. On October 4, a military court judge convicted the Abdullahs of spreading lies about the country in articles and interviews. The Abdullahs were sentenced to six months in prison and fined $20 (1,000 pounds) each. Ali al-Abdullah was last arrested in May 2005 after reading a statement from exiled Muslim Brother leader Saad al-Din al-Bayanouni at a forum meeting earlier that month. Muhammed was last arrested in July 2005. He was convicted in September 2005 for defaming the homeland and was sentenced to 10 days in prison.

On April 29, the criminal court indicted prominent opposition activist Dr. Kamal al-Labwani for having contact with a foreign power and encouraging the foreign power to invade the country. In November 2005 Authorities arrested Dr. al-Labwani upon his arrival in Damascus following a three month-long trip abroad. At year's end, he remained incarcerated in a cell with non-political prisoners at Adra prison.

On April 2, the SSSC sentenced civil rights activist Sheikh Riyad Drar al-Hamood to five years in prison for degrading national pride in a time of war, inciting conflict among the country's various religious and ethnic groups, and forming a secret society (see section 5).

The SSSC sentenced Muhammad Osama Sayes on June 25, and Abdulrahman al-Musa on June 27, to death, later reduced to 12 years' imprisonment, for their alleged affiliation with the Muslim Brotherhood. Sayes and al-Musa were arrested in January and May 2005 respectively upon their return to the country.

Since 2001 according to an international human rights group, Syrian-born German national Muhammad Haydar Zammar has reportedly been held in incommunicado detention in Damascus. In 2004 authorities allegedly transferred Zammar to the Sednaya prison on the outskirts of Damascus, after being detained for approximately three years in solitary confinement in a tiny underground cell at the Palestine Branch of Military Intelligence. According to the human rights group, Zammar was arrested in Morocco in 2001, reportedly for his alleged links to al-Qa'ida, and then transferred to the country.

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 the judges are either Ba'athists or closely aligned to the Ba'ath party and therefore not independent of the Ba'athist regime.

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 have seized property and personal items of individuals they have arrested. These materials and property are not appropriated, confiscated, or catalogued in accordance with the law. However, they are considered in custody and individuals theoretically have the right in time to retrieve them.

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 matters 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 blocked access to some Web sites (see section 2.a.).

The Government failed to permit new political parties or to license politically based nongovernmental organizations (see section 3). 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 are subject to immediate arrest.

The Government detained relatives of detainees or of fugitives to obtain confessions or the fugitive's surrender (see section 1.d.).

The Government and the Ba'ath Party monitored and attempted to restrict some citizens' visits to foreign embassies and participation in cultural activities. For example, on September 7, a number of citizens were warned by the security services not to attend a reception at a diplomatic mission. During the year the Government began requiring foreign embassies to notify the Ministry of Foreign Affairs (MFA) of any travel within the country.

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 including, among others, the February 7 arrest of journalist Adel Mahfouz after he called for interfaith dialogue following the controversy surrounding the depiction of the Prophet Muhammed in cartoons. On March 12, Mahfouz was released but faced charges in criminal court at year's end.

On March 2, military intelligence agents detained Sha'ban Abboud, correspondent for Lebanese daily An-Nahhar and the Kuwaiti daily Al-Ra'i al-Aam, for four days after publishing a list of appointments and transfers of heads of security branches. At year's end, Abboud continued to await trial on charges of "publishing mendacious reports harmful to national security."

On April 19, 87-year old Muooteei Mansour and Muhammed Salih were arrested after distributing a flyer criticizing the Government. Both Mansour and Salih were released by year's end.

On May 25, prominent human rights activist Haithem al-Maleh was convicted of insulting the army and insulting court officers and was sentenced to 10 days imprisonment based on Maleh's age and his profession as a lawyer. The Presidential amnesty pardoned Maleh at year's end while the case was still in the appeals process.

During the year the military court continued to try Hasan Zeino, who was charged with "possession of publications of a prohibited organization." On December 3, the Military Court in Homs sentenced Zeino to one-and-a-half months in prison. Authorities detained Zeino between July and August 2005 for carrying copies of a newsletter from the unlicensed opposition umbrella group National Democratic Front. On December 30, Zeino was pardoned as part of the Presidential amnesty.

On July 4, Bassam Badra was arrested and charged three weeks later in the Military Court with infringing on the dignity of the state and demeaning the head of state, which is punishable by up to six months in prison, according to local human rights organizations. On September 25, authorities dropped the first charge against Badra and granted a request for bail.

On December 30, opposition figure Hassan Abdul Azeem was pardoned as part of the Presidential amnesty. In December 2005 Azeem was charged by the Damascus Military Court with publication of material by an illegal organization.

The Government threatened activists in an attempt to control behavior. On June 21, an international human rights observer reported that on June 14, Prime Minister Muhammad Naji al-'Otri dismissed 17 state employees working in various government ministries without explanation but reportedly because of their links to the Damascus-Beirut Declaration (see section 1.d.). According to observers, those who were dismissed signed a petition in support of the Damascus-Beirut Declaration after the arrests of many prominent opposition members occurred. The dismissed employees were Suheil Abu Fakhr, Essam Mahmoud, Fou'ad al-Bunni, Kamal al-Dabbas, Marwan Hamza, Nabil Abu Sa'ad and Haytham Sa'ab (Ministry of Education); Fadhl Hijaz and Lina Wafa'I (Local Affairs Ministry); Selma Kerkoutli and Nadher Nasr (Information Ministry); Kamal Bel'ous (Finance Ministry); Ghaleb Tarbeh (Electricity Ministry); Essam Abu Sa'id (Ministry of Agriculture); Munir Shahoud (Ministry of Higher Education); Dr. Niqola Ghenoum (Ministry of Health); and Sulayman Shemr (Oil Ministry).

Journalists and writers practiced self-censorship. In May 2005 a number of civil society activists created the first independent media watchdog group called Hurriyat, although it was not active. 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 (see section 2.b.).

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 private weekly newspaper, Black and White; and The Economist (Al-Iktissad), which was sometimes critical of government economic performance.

In April the Government warned the financial magazine Al-Mal that its license would be revoked if it continued printing articles critical of the Government.

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. For instance, in November government-owned Al-Thawra published a series of articles criticizing the economic performance of the Government, highlighting corruption in the subsidized rice and sugar supplies. Some Damascus-based correspondents for regional Arab media were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties to the NPF.

During the year the first two private political dailies were licensed to publish from the Damascus Duty Free Zone. The first, Baladna (Our Country), owned by the son of the former chief of State Security Branch, started publication in August. The second, Al-Watan (The Homeland), started publication in November under the auspices of Al-Iktissadiyya magazine.

The media covered some Israeli-Palestinian developments factually, but others were reported selectively to support official views. Foreign-owned and foreign-published newspapers continued to circulate relatively freely during the year. However, during the July-August conflict involving Israel and Lebanon, the Government banned the importation of some issues of the pan-Arabic Al-Hayat and Al-Sharq Al-Awsat.

The Government or the Ba'ath Party owned and operated radio and television companies and most of the 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.

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" (see section 1.e.), 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.

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 other 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 one to three years and fines ranging from $10,000 to

$20,000 (500,000 to 1 million pounds). The amendments to the Publications Law also impose strict punishments for reporters who do not reveal their government sources in response to government requests.

Security forces continued to arbitrarily arrest and detain a number of persons with views critical of the Government (see section 1.d.).

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.

On March 12, authorities released journalist Adel Mahfoudh after being detained in mid-February for calling for interfaith dialogue in the wake of the Prophet Muhammed cartoon controversy. Mafoudh was reportedly arrested again on May 17 and then released on bail in September. There were no indications that he was charged with any offense before being released in September. At year's end Mafoudh was out of prison but his whereabouts were unknown.

In June a Palestinian-born Swedish-citizen journalist was arrested upon his arrival at Damascus airport, for allegedly insulting the Syrian state 10 years ago when he interviewed an asylum-seeking Syrian for Swedish public television. The journalist was reportedly accused of deceiving the interviewee. The journalist was released later the same month.

On September 25, police arrested Muhammed Khaled Ghandou for publishing an article titled "Will Citizens be Threatened if They Seek Justice" in a private, biweekly magazine. Ghandou remained detained at year's end.

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 (see section 5).

On July 23, authorities released journalist and student Masoud Hamid after serving three years of a five-year sentence. Hamid was arrested in 2003 for posting a picture of the June 2003 Kurdish United Nations Children's Fund (UNICEF) protest on a banned website and sentenced by the SSSC to prison in October 2004.

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.

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. On October 29, authorities officially informed documentary director Omar Amiralai that his travel ban, imposed on September 19, had been lifted. On September 18, authorities detained Amiralai at the Jordanian border, interrogated him for 13 hours, and then barred him from traveling to Jordan to work on his latest film, according to media reports quoting local human rights activists. Amiralai said that security officials questioned him at length about the recent broadcasting on the Al-Arabiyyeh satellite channel of his 2004 documentary film "A Flood in Ba'ath Country," which indirectly criticizes Ba'ath Party principles.

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 blocked access to Internet sites that contained or Web-based email that transmitted information deemed politically sensitive. The Government banned access to foreign-based Web sites of unlicensed opposition parties and to news Web sites published in the country that were critical of the Government (see section 1.f.). Several news Web sites not overtly critical of the Government remained accessible.

On March 31, security officials arrested author and Web site editor Muhammed Ghanem. His online news Web site, Surion.org, was shut down by authorities shortly after his arrest. On June 6, Ghanem was convicted of insulting the President, weakening the country's dignity during a time of war, and inciting sectarian feuds. Ghanem was sentenced to one year in prison. On October 1, he was released after serving six months (including the time he was in custody before a sentence was rendered), according to news reports.

On August 15, Habib Saleh, a contributor to www.elaph.com news Web site, was sentenced by a military court in Homs to three years in prison for undermining internal support for the country, and for "broadcasting and publishing false news like-

ly to undermine the State." Authorities previously arrested Saleh in May 2005 for publishing antigovernment material on the Internet.

According to international human rights group, all three of the country's Internet service providers (ISPs) regularly blocked access to a variety of Web sites. The Government restricted access to Web sites associated with Kurdish opposition groups, the Syrian Muslim Brotherhood group, and the Muslim Brotherhood group. Other electronic media that the Government restricted during the year ranged from Web-based email such as Hotmail.com, to pan-Arabic newspapers such as Asharqal-Awsat.com, to online news services such as LevantNews.com. In 2004, authorities shut down the pro-reform Web site All4syria.org and it remained closed at year's end.

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 (see section 5).

Throughout the year, the Government prohibited locally-made movies to be screened in public. For example, in March, the Ministry of Culture refused the request of the Canadian Embassy to screen Passion, a film on honor killings produced by Syrian Muhammed Malas.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of assembly; however, the right is superseded by Emergency Law provisions and the Government did not respect this right in practice. MOI permission is needed for demonstrations. 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.

Demonstrations occurred during the year, including some which were permitted or organized by the Government. On February 4, in response to the September 2005 publishing in a Danish newspaper of a series of cartoons that caricatured the Prophet Muhammed, mobs ransacked and set fire to the Norwegian Embassy and the building housing the Danish, Chilean, and Swedish Embassies. No one had been charged with the incidents at year's end.

On March 9, a small group of civil-society activists staged a protest against the 43 years of Emergency Law in Damascus. A group of approximately 300 pro-regime youths staged a counterdemonstration the same day and beat some of the civil society protesters with sticks. Five civil society activists, including Shawkat Gharaz al-Din, Ayham Badoor, and Adnan Abu A'asi, were arrested immediately following the peaceful demonstration and charged in a military court with the misdemeanor crime of insulting the ruling Ba'ath Party. All five individuals were later released and were awaiting trial at year's end.

On March 12, approximately 250 persons, mostly Kurds, held a vigil in front of the Prime Minister's office in Damascus to commemorate the 2004 Qamishli rioting. Prominent opposition figure Riad Seif was arrested at the vigil but was released later the same day.

On March 20, security forces reportedly arrested between 150 and 200 Kurds in Aleppo, as they and thousands of other Syrian Kurds throughout the country celebrated the ancient holiday of Now Ruz (the solar new year). According to Kurdish observers, all were released by year's end.

On July 10, up to 4,000 protesters held a 20-minute government-orchestrated protest in Damascus on behalf of the Palestinian cause. On August 12, during the Israel-Hizballah conflict, approximately 500 people held a non-violent pro-government demonstration in Damascus on behalf of Lebanese and Palestinian children.

On December 10, police forcibly dispersed Kurdish demonstrators who were commemorating International Human Rights Day in al-Qamishli (see section 5).

In March 2005, a peaceful civil society protest in Damascus calling for the end to the Emergency Law and marking the first anniversary of clashes between Kurds, Arab tribes, and security forces in the town of Qamishli, was broken up by pro-regime demonstrators. Observers reported that the Government encouraged the violence and apparently helped organize the counterdemonstration. The counterdemonstrators and security forces violently attacked the civil society activ-

ists and camera crews from several international news agencies, smashing or confiscating their cameras.

Freedom of Association.—The constitution permits private associations, but it 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, presumably on political grounds. The Government usually granted registration to groups not engaged in political or other activities deemed sensitive.

Associative life was often restricted. For example, throughout the year, security officials prevented activists from a proreform coalition group from meeting openly. On January 26, Air Force security officials arrested university students Husam Ali Mulhim and Ali Nizar Ali in connection with their participation in prodemocracy discussions held by the Forum for Syria youth group, according to international and local human rights activists. Both individuals remained in custody at year's end. On February 14, Air Force security officials arrested and later released the same day Omar Ali Abdullah, son of writer and activist Muhammed Abdullah, for his connection to the same student group. Abdullah was detained again on March 18 by Air Force officials and continued to be detained at year's end (see section 1.e.). Citizens detained on approximately February 20 for their ties to the student group included Tarek Ghorani, Maher Ibrahim, Ayham Saqr, Alam Fakhour, and Diab Sirieyeh, according to international human rights activists. No hearings were held for these individuals by year's end.

On March 1, authorities closed the European Commission-funded Civil Society Training Center nine days after it opened (see section 4).

On April 30, chief of the Communist Action Party and opposition activist Fateh Jammous was arrested at Damascus airport after having reportedly met with external opposition groups during his two-month foreign trip. On October 12, a preliminary penalty court judge decided to release Jammous on bail, and on December 30, all charges were dropped as part of the Presidential amnesty.

Between May 14 and 18, security agents arrested 12 signatories of the Damascus-Beirut Declaration, a petition which called for the normalization of Syria-Lebanon relations. Those arrested were key civil society activist and intellectual Michel Kilo; writer and human rights activist Nidal Darwish, a member of the Committee for the Defense of Liberty and Human Rights; prominent human rights lawyer Anwar al-Bunni; Atassi Forum member Muhammed Mahfouz; Mahmoud Muri', a member of the Arab Human Rights Organization; Mahmoud Issa, a member of the Communist Action Party; Ghaleb Amar, a member of the Socialist Arab Democratic Union and human rights activist; Kurdish Future Movement leader Khalil Hussein; National Democratic Front activist Suleiman al-Shummar; Communist Action Party member Muhammed Safwan Tayfour; Abbas Abbas, an activist from the town of Musiaf; and Khaled Khalifa, who was reportedly arrested on the basis of mistaken identity. Abbas and Khalifa were released one day after their arrest, according to local and international human rights organizations. The other 10 men faced five charges of the criminal code, including weakening the national morale, awakening sectarian rows, and publishing false news that might affect the state's dignity. According to local and international human rights organizations, Bunni, Darwish, and Mahfouz were beaten a number of times by state security agents during their initial detention, prior to their transfer to Adra prison. In mid-July Muri', Darwish, Tayfour, and Amar were released on bail after publishing a statement saying they had not signed the Declaration. In September Mahfouz, Issa, Hussein, and Shummar were also released on bail. Issa was then re-arrested on October 23. At year's end no trial dates had been set for any of the 10 men.

Activists faced similar restrictions in 2005 when, for example, in June, July, August, and December, the Government prevented the Atassi Forum from meeting because, according to media reports, the meetings would "damage national unity." A number of forum members were arrested in May 2005 and subsequently released for their involvement in the reading of a statement from the Muslim Brothers at a forum meeting (see section 1.d.).

None of the dozen local human rights organizations operated with a license during the year.

The Government did not permit the establishment of independent political parties (see section 3). 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 five-year effort by journalists to form the association had long been blocked by the Government (see section 2.a.).

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. 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 three percent of the population, while various Christian denominations made up 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. There was a de-facto separation of religious institutions and the state. Religious groups tended to avoid any involvement in internal political affairs, except for occasional regime-supported initiatives such as the February 4 public demonstration against the September 2005 publishing of a series of cartoons depicting the Prophet Muhammed.

The Government generally refrained from involvement in strictly religious issues. The Government approved all textbooks that present religion as a way to foster national unity and tolerance. The Government prohibited some religious events during the year. For example, on November 9, the MFA banned an interfaith dialogue from taking place at Damascus University.

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, sermons were monitored and controlled.

All schools are overseen by the Government and nonsectarian; however, Christian and Druze minorities operated a number of schools following 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. However, all citizens are subject to Sharia'a-based child custody, adoption, inheritance, and guardianship laws (see section 5).

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.

Government officials occasionally used radio and television programming, news articles, and other mass media with anti-Semitic overtones, and in some instances to support its export. In November 2005, Syrian TV broadcast an interview with Deputy Minister of Religious Endowments Muhammad Abdul Sattar al-Sayyed in which he stated that Syria serves as "the last line of defense" against "Zionist plots which aim to put on the throne of the Middle East the descendants of those whom the Koran called the descendants of apes and pigs."

Societal Abuses and Discrimination.—Societal conventions and religious and theological proscriptions made conversions relatively rare, especially conversations between Muslims and Christians. 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.

There were no reported acts of physical violence against, or harassment of, Jewish persons. Government officials occasionally used radio and television programming, news articles, and other mass media to condone anti-Semitic material. Anti-Israel material was widespread, some of which carried anti-Semitic overtones. For example, in January the government-owned Al-Thawra newspaper published an article suggesting that the Government of Israel had genetically engineered the avian flu virus in order to damage "genes carried only by Arabs" and thus "to realize the Zionist goal of harming the Arabs."

On June 15, government-owned Tishrin published an article which stated that "Israel did not learn a bit of the Nazi atrocities, but instead have and is employing it to commit far worse monstrous atrocities against the Palestinians to fulfill the Talmudic and biblical allegations and aspirations."

The Government primarily cited national security as the reason for barring the 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, despite the ban.

In 1963 the Government banned membership in the Syrian Muslim Brotherhood.

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 2006 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. 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 Muslim Brotherhood have been prosecuted upon their return to Syria. For example, in May 2005, Muhammad Osama Sayes, the son of a Muslim Brotherhood member, was detained following his return to the country, and was sentenced on June 25 to 12 years in prison (section 1.e.). Similarly, on June 27, the SSSC sentenced Abdulrahman al-Musa to death under the same law but commuted the sentence to 12 years; in January 2005 authorities had detained al-Musa upon his return to the country.

The Government also banned numerous human rights activists, leaders of opposition groups, and other individuals permission from traveling abroad, usually without any explanation for the basis or duration of the ban.

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 (see section 5).

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 has refused to recognize the citizenship of or grant identity documents to some persons of Kurdish descent. There are approximately 300 thousand stateless Kurds in the country. Lack of citizenship or identity documents restricted their travel to and from the country (see section 5). Syrian emigres 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.

During the year, 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 three months, a period that could be renewed. Residency permits required proof of employment and a fixed address in the country. While visa-free entry for Arabs continued at year's end, the MOI issued a circular in October 2005 informing immigration and security offices that nonpermanent resident males between the ages of 18 and 30 could be denied entry under a number of conditions, including travel 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 UN 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 UN 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 Ahwazis who were recognized refugees, and the deportation of five of them back to Iran (see section 1.d.), including one of Dutch nationality. Separately, UNHCR reported that a significant number of Lebanese, Iraqis, and Palestinians fleeing Iraq and Lebanon were refused entry into the country during the year. It also reported that it had to intervene in several instances to prevent the deportation of persons issued UNHCR asylum-seeker cards.

During the July-August conflict involving Israel and Lebanon, approximately 180,000 Lebanese, 13,000 third-country nationals, and 4,000 Palestinians fled to Syria. The borders remained open for most persons fleeing the conflict, with an easing of visa requirements to facilitate their entry. Border authorities, however, denied entry to hundreds of Palestinians from Lebanon, including those with valid Lebanese travel documents. Most Lebanese found temporary refuge with local hosts in the country, while approximately 50,000 were assisted in public shelters such as schools and religious institutions. Humanitarian organizations, including the Syrian Arab Red Crescent Society (SARC), UNHCR, UNRWA, the World Food Program and other international organizations and non-governmental organizations had access to displaced persons in need of assistance. The International Organization for Migration (IOM) facilitated the voluntary evacuation of third-country nationals to their countries of origin. Foreign embassies in Damascus also facilitated the transit of their nationals, sometimes numbering in the thousands, from Lebanon through Syria and onto third countries.

The August 14 cease-fire sparked the massive, voluntary return of refugees from the country to Lebanon. There were some reports that an estimated 50 Iraqis, who were also fleeing Lebanon, were detained briefly in the country and agreed to be repatriated to Iraq rather than risk remaining in government detention. Syrian authorities, the SARC, UNHCR, IOM and other international organizations facilitated return transportation for those in need of assistance. By September a UN assessment found that only 2,000 Lebanese remained in Syria.

At year's end 432,048 Palestinian refugees registered with UNRWA in the country. The General Authority of Palestinian Arab Refugees in Syria (GAPAR), 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. In April the Government admitted a limited number of Palestinian refugees fleeing Iraq to UNHCR's isolated El Hol refugee reception camp facility in the northeast of the country. The Government refused to permit the integration of these Palestinians into Syrian society. At year's end there were approximately 300 Iraqi Palestinians registered at El Hol, while another group of approximately 350 Iraqi Palestinians was stranded between the Iraq-Syria border at the al-Tanf crossing. The Government refused to let them enter the country.

Since 1991 thousands of Iraqis have applied for refugee status and have received legal and material assistance from the UNHCR in the country. In early 2003 the Government agreed to admit persons displaced by the hostilities in Iraq. The Government generally continued to honor UNHCR's request that states maintain some temporary protection for all Iraqi asylum seekers, including new arrivals, and persons whose applications have been rejected. The Government recognized refugees whose cases had been suspended by resettlement countries during the year.

However, UNHCR reported that some Iraqis were deported during the year. UN agencies estimated in December that approximately 800,000 displaced Iraqis lived in the country. According to UNHCR figures, during the year 3,307 persons from Iraq, Somalia, Sudan, Yemen, Afghanistan, Algeria, Chad, Eritrea, Ethiopia, and Iran were recognized as refugees. An additional 5,004 cases of asylum seekers were pending. UNHCR did not facilitate any voluntary repatriations during the year.

According to IOM statistics, an estimated 13,000 third-country nationals from a number of countries were permitted to enter the country temporarily after the outbreak of the conflict involving Israel and Lebanon. IOM verified that these repatriations to third countries were voluntary.

There were reports of refugees, particularly Iraqi girls and women, who were working in the country as prostitutes because it was the only means to sustain a living for their families and themselves (see section 5, Trafficking). No reliable statistics were available regarding the number of refugees working as prostitutes.

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 ten 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.

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.

Elections and Political Participation.—In July 2000 an unopposed referendum confirmed Bashar al-Asad as President for a seven-year term. Citizens are not formally required by law to vote; however, voters receive a stamp on their voter card, which authorities sometimes request 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 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. In March 2003 elections for all 250 seats in the People's Council took place for 4-year terms. The election was neither free nor fair. The constitution guaranteed ensuring a permanent absolute majority for the Ba'ath Party, and most seats in parliament were reserved for members of the ruling NPF. The Government allowed independent non-NPF candidates to run for 83 seats and required advance approval for candidacy.

On January 17, the Government released former independent MPs Mamoun Homsi and Riad Seif from Adra prison in accordance with the criminal penal code that permits such a move for good behavior after three-quarters of a sentence has been completed. They had been sentenced in 2002 to five-year prison terms in the criminal section of Adra prison for encouraging the Government to allow independent political parties to participate in government. Seif remained under close surveillance for his political activities; in June Homsi left the country, first for Jordan and later for another Arab country, declaring his plans to continue organizing for greater political freedom in the country.

Women and minorities, with the exception of the Jewish population and stateless Kurds (see section 5), participated in the political system without restriction. On March 24, the President appointed a female vice-President, and there were two female cabinet ministers. Thirty of the 250 MPs were women.

The Government did not provide figures on the ethnic or religious composition of parliament or the cabinet. According to human rights observers, ethnic and religious minorities claimed they have no genuine representation in the Government.

In June 2004 the Government banned all political activities by the 12 Syrian Kurdish parties, although enforcement has varied.

Government Corruption and Transparency.—There were reports of corruption in the legislative and executive branches of the Government. On February 19, March 5, and in August, some dismissed judges demonstrated against the October 2005 Presidential decree dismissing 81 judges from their positions in an effort to combat corruption and malfeasance in the judiciary. The dismissals were widely viewed in the country as a legal system sapped by an alarming level of corrupt practices. 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 September the Government rejected the application to license a local chapter of Transparency International.

There are no laws providing for public access to government information.

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

There were no legal domestic human rights groups. In the past human rights groups operated legally but ultimately were banned by the Government, such as the National Organization for Human Rights on August 30. 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.

In May 25, prominent human rights lawyer Haithem al-Maleh was convicted in military court of one count of insulting the army and two counts of insulting court officers, which potentially carried a sentence of three months and twenty days' imprisonment. The judge reduced the sentence to imprisonment for 10 days based on Maleh's age and his profession as a lawyer (see section 1.e.). Maleh was found not guilty of insulting the President and was pardoned in the December 30 Presidential amnesty. The charges stemmed from a letter he wrote to President al-Asad in 2005.

Also between May 15–22, at least 10 human rights and civil society activists, including lawyer Anwar al-Bunni, were arrested for having signed the Damascus-Beirut Declaration, which called for reconciliation between Syria and Lebanon. Unknown assailants also damaged al-Bunni's car in two separate incidents in July. Bunni remained in prison at year's end, facing several charges, the most serious of which was "weakening national feelings and provoking a sectarian feud," carrying up to a life sentence. In connection with his job as the head of an European Commission-funded Civil Society Training Center that was closed in March nine days after its opening, Bunni also faced charges of conspiracy with a foreign power and membership to a secret organization attempting to overthrow the state.

On July 11, unknown perpetrators raided a human rights center that doubled as Haitham al-Maleh's office, broke the window, and covered the door with garbage.

On June 28 and July 12, two men on motorcycles damaged the residence of another human rights activist.

Lawyer and opposition figure Hassan Abdul Azeem was pardoned at year's end in the December 30 Presidential amnesty. In December 2005 Azeem was charged by a military court with publishing material written by an illegal organization (see section 1.e.).

From January 18 to 23, two representatives of AI visited the country for the first time since 1997. The AI representatives met with a number of foreign ministry officials, attended an SSSC session, and met with presiding judge Faez al-Nouri. The Government prohibited AI visits to prisons. In November representatives of Human Rights Watch made an unofficial visit to Damascus and met with various human rights observers. Additionally, the acting representative for the Arab region of the UNHCR, Frej Fenniche, visited Damascus February 12 to 16, meeting with government officials, activists, representatives of the bar association and journalists.

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 usually heard nothing 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, or that the prisoner in question violated national security laws.

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 (see section 2.c.).

Women.—The law does not specifically prohibit domestic violence, and violence against women occurred during the year. An April study funded by the UN Development Fund for Women (UNIFEM) 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.

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 specifically provides for reduced sentences in "honor" crimes, which are violent assaults by a male against a female, usually a family member, with intent to kill for alleged sexual misconduct. No official statistics were kept on honor crimes during the year.

The law prohibits prostitution, and it was not a widespread problem among female citizens. There was growing evidence that it was a problem among Iraqi women residing in the country, especially minors (see section 5, Trafficking).

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. This application of laws discriminated against Muslim 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. Also, 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. 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.

Regardless of divorce or other circumstances, the law provides that a child is entitled to financial support of a minimum of $20 (1 thousand Syrian pounds) per year.

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 remains with the paternal side of the family.

Inheritance for Muslims also is based on the Government's interpretation of Shari'a. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. 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 are not available, foreign embassies reported a number of such incidents during the year (see section 2.d.).

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, 57 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 law emphasizes the need to protect children, and the Government organized seminars on child welfare. During the year some of these seminars were organized in cooperation with the local UNICEF office.

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 six and 12. According to a 2005 joint study by the UNDP 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.

Palestinians and other noncitizens, including stateless Kurds, can send their children to school and universities.

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 Government provides free medical care for citizen children until the age of 18. There was no legal discrimination between boys and girls in education or in health care.

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, though incidents that arose mainly involved refugees from Iraq.

Human rights organizations also reported multiple cases where security services detained minors and placed them in adult prisons.

Trafficking in Persons.—The law prohibits trafficking in persons; however, Syria is a destination country for women trafficked from South and Southeast Asia and Africa for the purpose of labor exploitation 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 that indicate that Iraqi women and girls may be subjected to forced commercial sexual exploitation—some by Iraqi criminal networks in the country. 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 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.

There is no legal framework governing relations between domestic workers and their employers. The Government has done little to address its trafficking in persons problem during the year. In 2005, the Government set up a commission to formulate a comprehensive draft law to combat trafficking in persons and to draft a set of rules to regulate agencies that recruit foreign workers to the country. Committee members met at the end of the year; however, any progress on the drafting of the law or regulations had yet to be made public by the end of the year. The Government also does not regulate illegal manpower 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 Syrian 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 (see section 6.e.). 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, mainly based upon allegations of membership in the Kongra Gel (successor organization to the PKK) or another secret organization seeking to annex part of Syria to another country; this was the case of Qanbar Hussein Qanbar who was sentenced to three years in prison on December 10.

On January 21, authorities released Kurdish cultural activist Nasraldin Ahma after his detention at the State Security detention branch in Damascus. Security forces arrested Ahma in November 2005 due to his alleged support for Kurdish culture and traditions, according to international human rights groups.

On April 2, the SSSC sentenced civil rights activist Sheikh Riyad Drar al-Hamood to five years in prison for degrading national pride in a time of war, for inciting conflict among the country's various religious and ethnic groups, and for forming a secret society. In June 2005 authorities arrested al-Hamood after making a speech at Kurdish Sheikh Mashook al-Khaznawi's funeral.

On April 19, PSD forces arrested Jihan Muhammed Ali, Adnan Khalil Rashid, Waheed Jihad Moustafa, and Fawzi Ali Kahwa in Aleppo on suspicion of being members of the Democratic Union Party, which is affiliated with the Kurdistan Workers' Party (PKK). All were released by year's end.

On March 12, police and security services beat protesters at a demonstration commemorating the 2004 Qamishli incident. In 2004 security forces in Qamishli, in the northeastern Hassakeh Province, opened fire on a crowd at a soccer match after clashes between Arab and Kurdish fans. The following day crowds rioted in Qamishli, and the security forces again fired on the crowd. Subsequently, riots and demonstrations spread throughout the towns and villages of Hassakeh as well as to cities such as Damascus and Aleppo. Thirty-eight persons were killed during the riots, and security forces detained more than 1 thousand persons (see sections 1.a, 1.c, and 1.d.).

On March 20, police and security services arrested 150–200 Kurds in Aleppo while celebrating their New Year. All were released by year's end.

On December 10, police forcibly dispersed Kurdish demonstrators who were commemorating International Human Rights Day in al-Qamishli. Two Kurdish leaders, Fouad Aleiko and Ismail Hami, were beaten badly by the police. Observers reported that police Captain Abdullah Jarboo commenced the violence by attacking the demonstrators.

On December 30, 49 Kurds connected to the May 2005 protest following Kurdish Sheikh Mashook al-Khaznawi's kidnapping and death were granted amnesty. In May 2005 prominent Kurdish Sheikh Mashook al-Khaznawi disappeared from his Damascus office. A month later, he was found murdered near the town of Deir ez-Zur. The circumstances surrounding his murder remained unclear; however, some observers suggest that Khaznawi was killed by security services for having met with the exiled leader of Syria's Muslim Brotherhood.

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 (see section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. On February 11, two Kurdish men were detained and released a few days later for selling calendars depicting scenes from Kurdish folklore. On July 16, authorities detained 28 persons from Qamishli and released them a few days later for their work on Kurdish cultural issues, according to lawyers. On August 4, four Kurdish language teachers were arrested and then released without charge, according to lawyers. The Government tacitly accepted the importation and distribution of Kurdish language materials, particularly in the northeast region where most of the Kurds resided.

Other Societal Abuses and Discrimination.—At year's end there was no progress on the Government's commitments to address the problem of stateless Kurds. Following the 1962 census, approximately 120 thousand 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 such as including health and education, as well as employment open to citizens. These stateless Kurds, according to NGO Refugees International estimates, numbered approximately 300 thousand.

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 a part of the Government's bureaucratic structure. The GFTU advised the Government on legislation, organized workers, and formulated rules for various member unions, 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 General Federation of Trade Unions, which is effectively a governmental body. 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 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 six hours per day. 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 UNICEF, 8 percent of children under the age of 14 participated in the labor force between 1999 and 2003.

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; however, 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. In February the President raised the public sector minimum wage from $96 (4800 Syrian pounds) to $118 (5880 Syrian pounds) per month, plus benefits, including compensation for meals, uniforms, and transportation. In May the Minister for Labor and Social Affairs directed private sector minimum wage to also increase to $118 (5880 Syrian pounds) per month; however, private sector companies usually paid much higher wages than the minimum. The public sector work week 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 constitutionally-based 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. A second legislative body, the Chamber of Advisors, was created in a 2002 referendum amending the constitution. In July 2005 indirect elections for the Chamber of Advisors resulted in a heavily pro-RCD body. The civilian authorities generally maintained effective control of the security forces.

The Government continued to commit serious human rights abuses. There were significant limitations on citizens' right to change their government. Members of the security forces tortured and physically abused prisoners and detainees. Security forces arbitrarily arrested and detained individuals. Authorities did not charge any police or security force official with abuse during the year. Lengthy pretrial and incommunicado detention remained a serious problem. The Government infringed on citizens' privacy rights, continued to impose severe restrictions on freedom of speech and of the press, and restricted freedom of 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 (including denial of passports), 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; however, on March 11, according to the World Organization Against Torture (OMCT), Bechir Rahali, chief of police of Cite Ennour, El Ouradia IV, Tunis, killed 24-year-old Tarek Ayari. According to an OMCT communique, following a police raid, Ayari fled on foot and a police vehicle pursued him. Rahali reportedly exited the vehicle and hit Ayari on the head with the handle of a pickaxe. Ayari reportedly collapsed and was left on the scene without assistance. According to information collected by OMCT, Ayari's brother subsequently drove him to the hospital where sources say he had injuries on his shoulder, knee, hand, and foot in addition to a head injury. Ayari died on March 11, and he was buried on March 13, reportedly under heavy police surveillance. OMCT and the Tunisian Human Rights League (LTDH) called for an independent inquiry into the death of Ayari and restitution for the family; however, there were no further developments by year's end.

There were no developments in the case of Moncef Ben Ahmed Ouahichi, a Jendouba resident, who died in June 2005 of a cerebral hemorrhage at La Rabta Hospital in Tunis following his arrest and detention at police facilities in Jendouba. Human rights organizations alleged that Ouahichi died as a result of being beaten in custody by security officials.

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. The forms of torture and other abuse included: 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), police and prison officials used sexual assault and threats of sexual assault against the wives of Islamist prisoners to extract information, intimidate, and punish.

Charges of torture in specific cases were difficult to prove. 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, which is a prerequisite for an investigation.

According to defense attorneys and local and international human rights groups, police routinely refused to register complaints of torture. In addition, judges dismissed complaints without investigation and accepted as evidence confessions allegedly extracted through torture. The Government has the ability to open an administrative investigation of allegations of torture or mistreatment of prisoners without a formal complaint; however, in those cases the results have not been 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/in-

vestigation and pretrial detention centers more than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior 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 nongovernmental organizations (NGOs), including the National Council for Liberties in Tunisia (CNLT) and the Association for the Fight Against Torture in Tunisia (ALTT), reported multiple torture cases throughout the year.

On June 1, the LTDH Section in Bizerte reported that on May 4, Aymen Ben Belgacem Dridi, detained on terrorism-related charges, was reportedly beaten, kicked, and subjected to falka (beatings on the soles of the feet) in the Borj er-Roumi prison. Dridi's lawyer reportedly registered a complaint of torture and other crimes and requested an inquiry. According to the LTDH communique, on May 17, the request was registered at a Bizerte court, and on May 20, a government prosecutor conducted an interview of Dridi. Security forces allegedly assaulted Dridi again. There were no further developments in the inquiry at year's end.

There were no further developments in the case of Zied Ghodhbane, who reportedly appeared in court in June 2005 in a state of physical and psychological distress, showing marks of abuse. He reportedly testified that after his extradition from Algeria, officials at the Ministry of Interior tortured him by beatings, electrocution, and holding his head under water. Defense lawyers for the accused requested that the judge recommend a medical examination, but the judge reportedly ruled that such a request should come from the general prosecutor.

There were no further developments in the case of the "Bizerte Group," 11 defendants arrested in 2004 and charged with various terrorism-related crimes, who were sentenced in 2005 to prison terms ranging from 10 to 30 years. In July 2005 the court acquitted five of the defendants, while the remaining six received sentence reductions. The Committee of the Defense of Victims of the Law on Terrorism released multiple communiques in 2005 charging that authorities used torture to obtain confessions from the group.

Police assaulted human rights and opposition activists throughout the year.

On March 11, according to the LTDH, police agents beat former political prisoner Abdeljabbar Maddouri, who reportedly lost consciousness and was hospitalized due to the attack.

On May 11, according to multiple witnesses and human rights groups, police assaulted lawyers staging a three-week sit-in to protest a new law that created a training institute for lawyers (see section 1.e.). Police allegedly attacked several lawyers over the course of the three-week sit-in, including Ayachi Hammami, Raouf Ayadi, and Abderrazak Kilani, all of whom were hospitalized, according to a communique released by CNLT.

There were no further developments on reports that three individuals, allegedly members of the security forces, assaulted journalist Sihem Ben Sedrine in 2004 (see section 2.a.), or on reports in 2004 of an assault on former political prisoner Hamma Hammami, whose political party urged the boycott of the 2004 Presidential elections.

In 2004 the President ordered the Higher Commission on Human Rights and Basic Freedoms (a state appointed body) to conduct an inquiry into the case of Nabil El Ouaer, whom a military tribunal had sentenced to 15 years in prison in 1992. In 2004 the senior official of Borj er-Roumi Prison allegedly beat Ouaer and placed him in solitary confinement. While in solitary confinement, four other prisoners allegedly raped him. Based on its timing and location, human rights activists believed prison officials sanctioned the incident. Authorities did not publish the commission's findings, if any, by year's end.

Authorities did not charge any police or security force official with abuse during the year.

Prison and Detention Center Conditions.—Prison conditions ranged from spartan to poor and generally did not meet international standards. Although overcrowding and limited medical care posed a significant threat to prisoners' health, new prison facilities at Mornaguia and greater access to healthcare improved the situation.

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 inmates were forced 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.

On September 9, the Government closed the "9 Avril" prison in Tunis and moved prisoners to a new facility at Mornaguia, a suburb of Tunis. The capacity of the new prison was reportedly 5,000 prisoners and designed to remedy serious problems of overcrowding in the 9 Avril prison. Prisoners had previously complained of very poor conditions in 9 Avril, including overcrowding, sanitation problems, and limited access to medical care.

A 2004 LTDH report on the country's prisons entitled "The Walls of Silence" estimated that there were approximately 26,000 prisoners in 29 prisons and seven juvenile detention centers. The report described a number of abuses, alleging that torture and humiliating treatment of prisoners were widespread.

In an April 2005 report, Human Rights Watch (HRW) described the Government practice of holding political prisoners in prolonged solitary confinement. During a press conference held in Tunis in April 2005, HRW announced that the Government promised not to place prisoners in solitary confinement for more than 10 days, the maximum time allowed for punishment according to the law. Shortly thereafter, the Government confirmed that it had eliminated long-term solitary confinement. 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.

International and local NGOs reported that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for their families to deliver food to them and to discourage their supporters or the press from inquiring about them (see section 1.b.). The CNLT reported that other inmates were instructed to stay away from political prisoners and were punished severely for making contact with them.

In April 2005 the Government reportedly approved access for HRW to make prison visits. Following this verbal agreement, however, HRW submitted a formal request for prison access, but despite multiple communications from HRW, by year's end the Government had not responded to HRW's request. In June 2005 the ICRC began conducting prison and detention center visits, following more than a year of negotiations with the Government. The International Committee of the Red Cross (ICRC) reported that prison authorities had respected their mission and allowed them to conduct visits without obstacle. According to ICRC the Government began to put measures in place to improve conditions, including improved hygienic conditions and access to medical care. In February the ICRC submitted its first intermediary report to the Government. The Government did not permit media to inspect or monitor prison conditions.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but, in practice, they occurred.

The International Association for the Support of Political Prisoners (AISPP) reported that hundreds of persons were arrested from 2003 until present for visiting terrorism-related Web sites and were detained without proper legal procedures or sufficient evidence of commission of a crime (see section 1.d.).

According to AI and domestic human rights organizations, scores of people were arrested by police beginning in late December, following exchanges of gun fire between security forces and members of a Salafist armed group that had among its targets foreign embassies and personnel. Families made enquiries about the individuals, but the authorities allegedly have given them no information. AI expressed concern that they may have been held in incommunicado detention at the State Security Department of the Ministry of Interior in Tunis, where they would be at risk of torture and other ill-treatment. There were no developments on this caseload at year's end.

Role of the Police and Security Apparatus.—The Ministry of the Interior 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, there were episodes involving petty corruption and police brutality. Law en-

forcement organizations operated with impunity, and sanctioned by high officials, the police attacked dissidents and oppositionists.

The Ministry of Interior's Higher Institute of Internal Security Forces and Customs has oversight of law enforcement officers in the ministries of interior and customs. The organization'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 the detention of suspects for up to six days prior to arraignment, during which time the Government may hold suspects incommunicado. 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 pre arraignment 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.

The Government denied detaining anyone for political crimes. The lack of public information on prisoners and detainees made it impossible to estimate the number of political detainees. However, it was likely that the number of those held without charge was low because criminal convictions of dissidents and Islamists were easy to secure under laws prohibiting membership in outlawed organizations and "spreading false information aimed at disturbing of the public order."

In cases involving crimes for which the sentence may exceed five years or that involve national security, pretrial detention may last an initial period of six months and may be extended by court order for two additional four month periods. For crimes in which the sentence may not exceed five years, the court may extend the initial six month pretrial detention by an additional three 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 (see section 1.e.).

On February 26, President Ben Ali released 1,298 prisoners from prison and granted "conditional freedom" to 359 others. Among those released were 87 members of the banned Islamist party An-Nahdha, including Hamadi Jebali, the former editor of An-Nahdha's now defunct newspaper al-Fajr, as well as other Islamists. Also among those released were six detainees, known as the Zarzis group, who had been arrested in 2003 for allegedly preparing to commit terrorist attacks. International and domestic human rights NGOs, who have long called for the release of political prisoners, had been particularly vocal about Jebali and the Zarzis group. After release Jebali and members of the Zarzis group complained of subsequent government harassment and excessive restrictions on personal movement due to their administrative control status (see section 2.d.).

On November 4, President Ben Ali released an unannounced number of prisoners in advance of the November 7 national holiday commemorating the President's accession to power in 1987. An-Nahdha later reported on its Web site that 55 of its former members that had been imprisoned in the early 1990s were among those released. Several of those released had been sentenced to life in prison.

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. In addition, the President was head of 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 government officials rarely respected the tribunal's nonbinding decisions. Throughout the year the Government permitted observers from diplomatic missions and foreign journalists to monitor trials. The Government did not permit observers to attend sessions of military tribunals.

In June 2005 as it had in the previous year, the Association of Tunisian Judges (AMT), a 1,700-member professional organization, released a communique calling for reform of the recruitment, transfer, and promotion system for judges and proposing elections of judges to the Supreme Council of Judges, the governing body for the judiciary (see section 2.b.). Although the Government did not officially respond to the association's communique, in July 2005 human rights organizations stated that the Government removed AMT leadership due to its demonstrated independence and transferred independent judges to regional cities as punishment(see section 2.b.).

On May 9, the Tunisian Bar Association led a sit-in at the association's headquarters in Tunis protesting a draft law announced the same day that created a training institute for lawyers. Lawyers alleged that by controlling admission to the Institute, the Government would effectively control admittance to the bar. Although the bar association had previously supported the creation of a training institute to standardize qualifications for becoming a lawyer, bar association leaders complained that the association was not consulted on the new draft law and that the proposed institution would not be independent. Lawyers alleged that police abused several lawyers who participated in the sit-in and related demonstrations outside of court buildings in Tunis (see section 1.c.). On May 12, despite the objections of the bar association, the President signed the law.

The civil court system is a four 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 which 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 only considers 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 panel of judges dominate 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.

On April 18, according to newspapers, Slah Mosbah, a well-known singer, was arrested on charges of "attacking the dignity of the army" and physical assault due to an altercation with two military officials following a car accident involving Mosbah's vehicle and a military bus. Authorities tried Mosbah in April and May in a military tribunal and sentenced him to two years and eight months in prison. Authorities released Mosbah on parole after two months on June 23.

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 do 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 "following a procedure offering essential defense guarantees." 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 (see section 1.d.). Defendants do not have the right to a speedy trial, nor is there any limit to how much time a case can take. 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 them adequate notice of trial dates, or to allow them time to prepare their cases. Some reported 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 and accepted as evidence confessions extracted through torture (see section 1.c.). They noted that the summary nature of court sessions sometimes prevented reasoned deliberation. They also stated that erratic court schedules and procedures were designed to deter 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 (see section 5). For example, codified laws provided women with the legal right to custody over minor children; however, judges sometimes refused to grant women permission to leave the country with them, holding that Shari'a appoints the father as the head of the family and the one who must grant children permission to travel. 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 there was no definitive information regarding the number, if any, of such prisoners. Human rights organizations alleged that the Government had arrested and imprisoned more than 500 persons since 2005 on charges related to a 2003 antiterrorism law, 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 Ministry of Interior facilities and were forced to sign confessions.

The AISPP claimed that approximately 150 political prisoners remained from the caseload of Islamists arrested in the late 1980s and early 1990s. Very few of the prisoners were convicted for acts of violence. Most of those who were 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 their identity papers were marked in a way that resulted in their receiving harsher treatment.

The ICRC and the governmental body Higher Committee on Human Rights had access to visit prisons and detention facilities.

In June 2005 the Government released Lotfi Amoudi, who the AISPP stated was a political prisoner. He had served 14 years in prison and was released in poor health after a 26-day hunger strike.

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. AISPP officials reported that throughout the year members of the security forces broke into AISPP offices at night and searched without 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. Many 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 but 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, human rights activists, as well as journalists, and also placed some under surveillance (see section 2.a.).

The Government barred membership in political parties organized by religion, race, or region of origin. On these grounds, the Government considered that members of the Islamist movement An-Nahdha belonged to an illegal organization (see section 3).

Human rights activists claimed that the Government punished family members of Islamist activists for crimes allegedly committed by the activists. Family members were reportedly denied jobs, educational opportunities, business licenses, and the right to travel due to their relatives' activism. They also alleged that relatives of Islamist activists, in jail or living abroad, were subjected to police surveillance and questioning about their activist relatives.

Human rights activists reported that upon release from prison, detainees suspected of An-Nahdha membership were harassed and restricted in their employment. Former An-Nahdha prisoners reported that government officials instructed prospective employers not to hire them or their families. Former political prisoners were not able to obtain a document from the Ministry of Interior stating that they had no criminal records. Such statements were necessary for employment. Even if they had not been jailed, authorities confiscated the identity cards of some activists and Islamists. For example, AISPP member Lasaad Johri has been deprived of an identity card since 1999. An individual must have an identity card to receive healthcare, sign a lease, buy or drive a car, access bank accounts and pensions, and even to join a sports club. Police may stop anyone at any time and ask for his or her identity card. If individuals are unable to produce their cards, police may detain them until their identity can be established by a central fingerprint database.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press "exercised within the conditions defined by the law"; however, the Government generally did not respect these rights in practice. It limited press freedom and intimidated journalists, editors, and publishers into practicing self censorship. Security forces closely monitored press activity.

Journalist accreditation for domestic press is obtained from the Ministry of Communication. The journalist must have a university degree and be employed by a newspaper. The journalist's employing newspaper must submit a request for accreditation. If approved, the journalist received a trainee card for the first year, followed by a professional card. Not all working journalists have accreditation, which provides access to official events.

Under the law, print media need not be licensed. In practice, however, print media are rigidly controlled by the authorization to the printer, not the publisher. Print media must request a copyright (patente) registration from the Ministry of Interior. Applications are submitted to the Ministry of the Interior, which then delivers a receipt (recepisse) good for one year constituting the official permit to publish. The Press Code requires that the printer request the receipt before printing, effectively prohibiting any unlicensed publications. The code also requires the publisher to inform the Ministry of Interior of any change of printer.

Printers and publishers violating these rules are subject to substantial, per copy, personal fines under the Press Code.

In a similar way, broadcast media are controlled by the granting or denial of a frequency by the Tunisian Frequencies Agency, which is part of the Ministry of Communications and 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 two 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 (see section 2.b.). For example, on May 3, World Press Freedom Day, plainclothes policemen lined the street leading to the headquarters of the Government offices of Tunisian Radio and Television, blocking a planned demonstration on press freedom.

The Government stated that there were 950 foreign publications and newspapers distributed in the country and that 90 percent of the newspapers were "privately owned and editorially independent." However, of the eight mainstream dailies, two 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 three opposition party newspapers with small circulations and editorial independence from the Government. Nevertheless, two of them, Ettariq El

Jadid and Al-Wahda, received government subsidies under a law that provides government financing to papers representing opposition parties with seats in parliament. The third, Al-Mawqif, did not receive the subsidy since its party was not represented in parliament.

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, in April 2005 a court found Mohamed Abbou, a lawyer, guilty of publishing statements "likely to disturb the public order" in which he compared the fate of Iraqi prisoners in Abu Ghraib to that of citizen prisoners. He was arrested following the online publication of another article in which he unfavorably compared the country's President to then-Israeli Prime Minister Ariel Sharon. Mohamed Abbou's wife, Samia Abbou, and family were harassed and subjects of surveillance. In March Mohamed Abbou went on a hunger strike to protest his detention conditions, which he alleged deteriorated following a demonstration by supporters outside the El Kef Prison where he was detained. On October 16, Samia Abbou went on a one-day hunger strike with other wives of political prisoners to protest their husbands' continued detention. Following the hunger strike, police harassment and surveillance of Samia Abbou and her family increased.

On May 27, authorities sentenced opposition political activist Neila Hachicha's husband, Khaled Hachicha, to six months in prison for a zoning violation after Neila Hachicha published critical articles online and in international newspapers and appeared on Al-Jazeera. Human rights activists alleged that Hachicha's husband's sentence was a result of her activism. On November 16, authorities released Hachicha.

On October 21, 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.

Unlike in the previous year, there were no reports of journalists being arrested solely because of their work as journalists; however, some journalists who were active in opposition activities, such as Al-Jazeera correspondent Lotfi Hajji, were detained. Other journalists were detained and interrogated without being formally arrested. Throughout the year, Abdullah Zouari, a journalist who once worked for Al-Fajr, the weekly newspaper of the An-Nahdha party, remained under administrative control and in internal exile. During the year Zouari undertook a number of hunger strikes to bring attention to his situation. In February authorities released Hamadi Jebali, a former editor of Al-Fajr, after having served most of a 16 year sentence for insurrection and "membership in an illegal organization." He reported that he remained under administrative control and was unable to travel outside of the governorate of Sousse.

On August 16, according to Reporters Without Borders (RWB), police beat two journalists, Slim Boukhdir and Taoufik Al-Ayachi, in Tunis following their visit to the home of Samia Abbou. According to RWB, approximately a dozen policemen accosted and beat them, and Ayachi's camera was confiscated.

According to RWB and other human rights and press freedom organizations, authorities frequently harassed Boukhdir after he posted articles on the Internet critical of the Government. In November 2005 Arabic-language daily newspaper Ash-Shourouq stopped publishing his articles and froze his salary in February. In April and May he was one of two Ash-Shourouq journalists who went on hunger strike in protest of their treatment by Ash-Shourouq management. Government authorities reportedly refused to give Boukhdir a press card and confiscated his passport.

There were no further developments in the case of Christophe Boltanksi, a journalist for the French newspaper Liberation, who was attacked and robbed in November 2005. Boltanski had been reporting on demonstrations in support of the Movement of 18 October hunger strikers (see section 2.b.). Following the attack international and local civil society organizations accused the security forces of organizing the assault. The Government claimed it had arrested two suspects in the attack, but there was no information on any subsequent trial of the alleged perpetrators at year's end.

There was no further information on the alleged assault of Jean Jacques Mathy in November 2005. According to international media and NGO reports, plainclothes policemen pulled Mathy, of the Belgian television station RBF, from his car and seized his video camera and cassette. The camera was subsequently returned without the cassette (see section 2.b.).

On January 11, the President signed a law abolishing depot legal, which had required that the Government approve all printed material prior to publication or distribution. The lifting of depot legal applied to newspapers and magazines but not

books. The lifting of depot legal means that newspapers and magazines no longer must deposit a copy of their latest issue at the Ministry of Interior before going to print. Lifting of depot legal ended formal, overt censorship of the print media but did not end self-censorship and obvious government interference, such as the simultaneous appearance in three different Arabic-language newspapers of similar editorials lambasting civil society activists who frequent foreign embassies. All books and foreign publications continued to be subject to restrictions, as evidenced by the refusal of permission to distribute or print certain books. Book fairs had to deposit a copy of each title, or at least a list of titles, in advance. In a February 2005 report, the Tunisia Monitoring Group of the NGO International Exchange on Freedom of Expression provided a list of 21 books or academic works by domestic authors that have been censored in the country from initial publication until present.

On January 18, the GOT seized all of the copies of two domestic newspapers (mainstream weekly Akhbar al Joumhouriya and opposition weekly Al Mawqif), reportedly because of their articles on a rumored upcoming rise in bread prices. Press contacts claimed that the Government considered the articles provocative. The Government provided no legal justification for the removal of the newspapers.

The Government also seized and banned distribution of the July 14 issue of Al Mawqif. Press observers claimed that the cause was its reprinting of an editorial by the chief editor of Pan-Arab newspaper Al Quds Al Arabi, threatening not to distribute the newspaper in the country due to press censorship. However, the article was published in a subsequent issue of Al Mawqif.

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. For example, on February 7, according to the NGO Observatory for the Freedom of Press, Publishing, and Creation in Tunisia (OLPEC), authorities banned the circulation of issue 257 of Al Maraa Al Youm magazine, edited in Dubai, allegedly due to an article referring to a rumored illness of President Ben Ali.

Authorities prevented the distribution of the September 19 edition of the International Herald Tribune and Le Figaro due to an editorial by Robert Redeker that claimed Islam incited hatred and violence.

The law authorizes sentences up to five years in prison for offensive statements against the President and up to three years in prison for defamation of constitutional bodies, including the Chamber of Deputies, Chamber of Advisors, constitutional councils, the administration, government members or deputies. In 2004 charges for defamation were brought against the editor of Al Mawqif for a 2004 article calling for an investigation into the railroad system. Nejib Chebbi, then-PDP secretary general and Al Mawqif publisher, appeared before the public prosecutor in April 2005. The case remained pending at year's end.

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.

In May 2005 three independent members of the board of the Tunisian Journalists Association published a report in the name of the association that reported "rampant violations, including censorship and harassment of journalists." In May 2005 one of the members, Neji Bghouri, was held in police headquarters, but no formal charges were brought against him.

On May 3, the Association of Tunisian Journalists (AJT) released a report that summarized financial and administrative hardships of journalists, noted that no new newspapers were licensed, and mentioned the near absence of investigative reporting or editorial comment on local issues. While the report criticized government-owned television programming and also referred to "censorship, abusive licensing practices, and refusal of coverage of some events," the authors avoided any direct criticism of the Government.

Also on May 3, World Press Freedom Day, Lotfi Hajji, President of the unrecognized Tunisian Journalists Union (SJT), released a report that directly criticized the Government's harassment of journalists and its control over nominally private media outlets. On May 12, authorities called Hajji to police headquarters and interrogated him for four hours about an "illegal" meeting of "civil society representatives" at his home in Bizerte. The list of representatives presented to him by the police included the names of his wife and brother. Hajji's detention also followed two articles he wrote and published on the Internet on a confrontation between the Government and the Tunisian Bar Association over the creation of the new lawyer's institute (see section 1.e.).

Government regulations required foreign correspondents to obtain written approval before video recording in public. The Government also 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 Government often pressured newspapers to carry the Government wire service's version of an event, even when their own journalists were present. According to the May 3 SJT report, authorities told journalists not to report a post office employees' strike on January 4 and a high school teachers' strike on April 19. Some government-owned newspapers accused the union of incitement and a lack of patriotism. Following a 2005 press conference held by the Tunisian Bar Association on the Mohamed Abbou case, officials told journalists present not to write about the event.

The Government continued to exercise tight control over the licensing of new newspapers. Although there were at least 11 existing applications, the Government authorized the creation of only one new newspaper, Mouwatinoun, which was to be published by the legal opposition party Democratic Forum for Labor and Liberties (FDTL). According to party leaders, only weeks after refusing FDTL the necessary paperwork to begin the process of authorization, in December the Ministry of Interior approved the publication, according to party leaders.

CLNT produced the newspaper-magazine Kalima without a license, but it was not available for public consumption. In September 2005 officials at the Ministry of Interior prevented Sihem Ben Sedrine, a journalist, publisher, and one of the founders of the CNLT, from registering her newspaper Kalima, whose Web site remained blocked within the country (see section 2.b.). It was Ben Sedrine's fourth attempt to register the publication. Ben Sedrine and international human rights NGOs alleged that the Government refused registration of Kalima due to its commentary critical of the Government. During the year police seized copies of the newspaper from CNLT officials outside of CNLT headquarters in Tunis.

The Government maintained tight control of the broadcast media. Although the private broadcast media made some inroads in social and sports commentary, both private and government-owned radio stations confined broadcast news to international and noncontroversial national issues.

In observance of a stipulation of its 2005 license, the Hannibal private television station did not broadcast news. The granting of the licenses for the three existing private broadcast media was not transparent, and several requests for licenses, some pending for years, remained in limbo. The Government did not restrict the widespread possession of satellite dishes.

On October 3, Hannibal TV stopped broadcasting Sans Preavis, a show reporting poor families preparing the traditional Ramadan iftar meal. Although no official reason was given for the cancellation, some media sources suggested that it was due to government pressure since the show presented an unfavorable picture of government efforts to eradicate poverty.

The Government permitted the establishment of a pan-Maghreb satellite television channel, based in Tunis but broadcasting from Paris, by Karoui&Karoui World.

The Government continued to withhold press credentials from, and delayed granting passports to, journalists, such as Slim Boukhdir, who in 2004 posed a question in a press conference implying that relatives of the President had pressured the judiciary to influence a legal case. The Government did not grant government press cards to other experienced journalists, including Lotfi Hajji, Abdelatif Fourati, Slaheddine Jourchi, and Mohamed Fourati. Such press cards were needed for official accreditation as a journalist and were reviewed annually. Accreditation allowed journalists to attend official press conferences.

According to many journalists and non-journalist 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 in order to avoid the appearance of siding with the media organization being punished by 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 bigoted behavior which violate the integrity and dignity of the human person, and/or are prejudicial to children and adolescents." However, the Government blocked ac-

cess to a number of Internet Web sites for their criticism of the Government. The Government blocked nearly all sites belonging to domestic human rights, opposition, and Islamist groups. Some foreign Web sites remained blocked, including that of AI, RWB and the local section of the HRW Web site. Opposition news sites and Internet discussion sites were also blocked.

In November 2005 the OpenNet Initiative, a collaborative of universities in several nations studying government attempts to control Internet information, reported that the Government had blocked 10 percent of the 2,000 Web sites it tested and targeted and blocked substantial online material on political opposition, human rights, methods of bypassing filtering, and pornography. A November 2005 HRW report on online censorship noted that the Government cited counterterrorism and the need to curb incitement to hatred and violence among its justifications for censoring information online. The same report noted, however, that tests on 41 radical Islamist Web sites found only four blocked.

In April 2005 a court found Mohamed Abbou, a lawyer, guilty of publishing statements "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 (see section 1.c.).

Two 1997 decrees cover in part Internet and telecommunications services. All Internet service providers (ISPs) must obtain a license from the Ministry of Communications and 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 the HRW report on online censorship, each ISP must designate a director who "assumes responsibility . . . for the content of pages and Web pages and sites that the ISP is requested to host on its servers." 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 Internet subscribers to the quasi-governmental Tunisian Internet Agency (ATI). If an ISP stops services, it must "without delay" furnish the ATI with a complete set of its archives. The director of the ISP must maintain "constant oversight" of the content on the ISP's servers to insure that no information remains on the system that is contrary to "public order and good morals."

There were approximately 300 Internet cafes. The cafes are privately-owned but operate under the authority of the Ministry of Communications. Among other legal requirements, Internet cafe owners must maintain a database of their customers and inform customers of their obligations and their responsibility for any infringements of the legal provisions relating to Internet use.

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.

On October 13, authorities fined Abdelhamid Sgaier, a post-graduate student, for demonstrating for the right of female students at a Tunis university to wear hijab (see section 2.c.). Sgaier 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 six months due to his political activities.

In March 2005 police assaulted students during campus demonstrations against the Government's invitation to then-Israeli Prime Minister Ariel Sharon to attend a UN summit hosted by the country. Police arrested one faculty member and several students, who were released the following day (see section 2.b.).

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.

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 Ministry of Interior no later than three days before the proposed event and to submit a list of participants; authorities routinely approved such permits for groups that supported the Government and generally refused permission for dissenting groups. As in previous years, NGO leaders reported difficulty in renting space to hold large meetings. They maintained that police pressured venue managers to prevent them from renting meeting space. Hotel managers and businesses denied any specific ban on renting space to opposition groups; however, they said they cooperated with the Ministry of Interior and accommodated its requests when possible.

In March the Tunisian Association of Democratic Women (ATFD) reserved a hotel in Tunis to hold a seminar for International Women's Day. However, the day before the conference, hotel managers cancelled the reservation, citing ongoing work at the hotel facilities. Activists alleged that the Government had instructed the hotel not to allow ATFD access to prevent it from holding the planned event.

The Government used police and other state security forces to monitor, control, and sometimes disrupt demonstrations. The Government broke up several unsanctioned demonstrations during the year. 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.

The Government consistently blocked meetings by the LTDH, in its headquarters in Tunis and in regional offices throughout the country. On May 27, the LTDH attempted to hold a national congress at it headquarters in Tunis. Hundreds of police, a majority of whom were in civilian clothing, blocked access to the LTDH headquarters buildings by LTDH members and international observers. Police throughout the country reportedly prevented members from regional cities from traveling to Tunis to attend the congress. Plainclothes police beat some persons attempting to gain access to the site.

In July the Government refused to allow several demonstrations to take place. Opposition groups, human rights NGOs, the Tunisian labor union and students had 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. Only one demonstration, sanctioned and led by the Government, took place.

On October 3 and October 27, diplomatic officials attempted to visit the Bizerte regional branch of the LTDH. On both occasions, plainclothes police and security officials prevented the officials from entering the LTDH branch office and conducting a meeting. On October 31, the Government sent a diplomatic note to all diplomatic missions in Tunis saying that the LTDH was subject to a 2001 court decision that "forbids all activity of the LTDH." The note said that the court had ruled that the LTDH could only prepare for its national congress. However, the LTDH had conducted widespread activity since 2001, although a September 2005 ruling reportedly prevented the LTDH from any activity involving the preparation of its national congress.

On September 8, the Government blocked an international conference on labor and employment issues organized by the German Friedich Ebert Foundation, the Euro-Mediterranean Human Rights Network, the Euromed Trade Union Forum, and the Fundacion Paz y Solidaridad of the Spanish Comisioners Obreras trade union in liaison with the UGTT, ostensibly because the organizers had not given the Government advance notification. However, officials reported privately that the Government blocked the conference due to the participation of two local activists. On October 18, the European Commission released the complete text of a diplomatic protest expressing disappointment over the cancellation of the event after the Charge d'Affaires at the country's Embassy in Brussels refused to accept the demarche in person.

In November 2005 organizers of the "Citizen's Summit on the Information Society," an unofficial parallel summit to the UN World Summit on the Information Society, reported that the Tunis hotel where they reserved space notified them that the hall was no longer available. Representatives of the organizations planning the citizen's summit also tried to meet at the Goethe Institute, but they were prevented from entering by several dozen plainclothes police. According to HRW representatives, the police, who did not identify themselves, "manhandled local and foreign activists, knocking down several individuals as they pushed them along the streets."

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 to the Government to gain recognition and to operate legally.

According to the law, an NGO that has filed an application to register may operate freely while the Government processes its application. 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 registration 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."

During the year significant numbers of RCD members attempted to join independent NGOs, such as the LTDH and other civil society groups. Their apparent intent was to limit the NGOs' independence by gaining control through elections or disrupting their operations. In some cases RCD members used the NGOs' own 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 May 27, 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.

Leaders of the AMT also alleged that the Government used members loyal to the RCD to disrupt its meetings and operations. In 2005 AMT members allegedly under government and RCD control held new elections for AMT leadership after the AMT President proposed new judicial reform initiatives and supported a group of lawyers alleging improprieties in the trial of Mohamed Abbou (see section 1.c.). These RCD-loyal AMT members claimed that the President's communique was not representative of all AMT members. In 2005 the Government evicted AMT leadership from the association's headquarters in Tunis. On August 30, the President who released the communique was transferred from Tunis to the coastal city of Mahdia. Previously, several other AMT board members were also transferred from Tunis to regional cities. Human rights organizations viewed these transfers as punishments and stated that the Government removed the current AMT leadership due to its demonstrated independence. On September 10, the new AMT leadership, allegedly loyal to the RCD, drafted an internal regulation reducing the number of AMT members serving on the executive board and excluding members serving in regional cities from the board. Human rights activists reported that this was done to exclude independent-minded members who had been transferred from Tunis as punishment.

c. Freedom of Religion.—The law provides for freedom of religion that does not disturb public order, and the Government generally respected this right in practice, although there were some restrictions and 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 that were established before independence in 1956. Although it permitted other Christian denominations to operate, the Government formally recognized only the Catholic church.

In March 2005 the Government allowed the re-opening of a Catholic church in Djerba, but did not permit Christian groups to establish new churches.

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. 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. However, marriages of Muslim women to non-Muslim men abroad were generally recognized by the Government. While judges generally ruled that marriages abroad were legal, on rare occasions judges have declared that a marriage abroad was void in the country.

While authorities did not deport foreigners suspected of proselytizing, the Government did not renew the visas of suspected missionaries. During the 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 outlaw the Islamist party An-Nahdha and to prosecute suspected An-Nahdha members for "membership in an illegal organization" (see section 1.e.). 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. 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 regularly questioned individuals observed praying frequently in mosques. Authorities instructed imams to espouse governmental social and economic programs during prayer times in mosques. The Government paid the salaries of imams.

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 partisan connotation." In September, according to news reports, the police intensified efforts to apply a 1981 decree prohibiting women from wearing the hijab in official buildings, schools and universities. In addition, some women were stopped in public places, detained, and told to remove their hijab. During an October 27 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 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. 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 attacks by alleged Islamists on December 23 (see section 1.d.).

Religious publications were subject to the same restrictions on freedom of speech and the press as secular publications. Christian groups were generally allowed to distribute religious documents in English, but not in Arabic and not in public. Only sanctioned Muslim religious groups were allowed to distribute religious documents. In the Government's view, distribution by other groups constituted an illegal "threat to public order" (see section 2.a.). 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 in the Hajj.

Societal Abuses and Discrimination.—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.

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 Government permitted Christians and Jews who did not proselytize 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. There was one report that a Christian from the country was told by a local security official that it was illegal to be a Christian and was threatened with imprisonment. There were reports that the process of renewing passports was inexplicably delayed for some Christians, although passports were subsequently issued (see section 2.d.). Jewish children on the island of Djerba were permitted to divide their academic day between public secular schools and private religious schools.

Jewish community leaders reported that the Government actively protected synagogues, particularly during Jewish holidays. The Government 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.

In March 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 Jewish and citizen historian Paul Sebag. After the incident the Manouba Student Union, mainstream citizen journalists, and the Tunisian Human Rights League strongly denounced the demonstration's anti-Jewish character.

While Baha'is do not consider themselves Muslims, the Government regarded the Baha'i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private.

For a more detailed discussion, see the 2006 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; however, the Government refused to issue, renew, amend, or accept passports of some dissidents, Islamists, and their relatives. The Government also may impose a five 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 Ministry of Interior 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 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 Islamist leader Mohamed Sedki Labidi has been deprived of his passport for the last decade 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 reside in a place, chosen by the Government, which may be anywhere in the country, and they are required to stay "in the area of their residence." 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 continuing punishment.

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 organization called "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 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated to a certain degree with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting approximately 100 refugees and asylum seekers primarily from sub-Saharan Africa. However, 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 feared persecution.

AI reported that Adel Tebourski was forcibly returned to the country from France after his request for asylum was rejected. In May 2005 Tebourski was sentenced in France to six years' imprisonment for providing false identity documents to two alleged al-Qa'ida operatives involved in the killing of Commander Massoud, leader of the Northern Alliance coalition group in Afghanistan, on September 9, 2001. AI reported that Tebourski was at grave risk of torture and other serious human rights violations. On August 7, according to AI, Adel Tebourski was deported back to the country and released after brief questioning from the country's border police.

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

The law provides that citizens shall directly elect the President and members of the Chamber of Deputies for five year terms; however, there were significant limitations on citizens' right to change their government. Moreover, there were irregularities that routinely called into question the legitimacy of elections.

Elections and Political Participation.—In the October 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.

The polling was characterized by irregularities. A coalition of three local independent NGOs (LTDH, CNLT, and the Tunisian Association of Democratic Women) cited as serious problems the opposition's lack of media access during the campaign and media bias in favor of the ruling party (see section 2.a.). Opposition candidates and other observers also cited voter intimidation, restrictions on disseminating campaign materials and organizing campaign events.

The 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 one house of the legislature (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 March 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 non-distribution 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.

The ruling party has maintained power continuously since the country's independence in 1956. It dominates the cabinet, the legislature, and regional and local governments.

In July 2005 the Government conducted elections for the 126-seat 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. Of the 4,555 voters, only 305 belonged to opposition parties. The constitutional amendment creating the chamber specified that its 126 seats must be allocated among various regional and professional organizations, including 14 seats for the General Union of Tunisian Workers (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 new chamber were overwhelmingly 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 a single 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.

On March 3, authorities authorized the establishment of the Green Party for Progress (PVP), the first new political party created since 2002. Many critics alleged that the party was loyal to the RCD, particularly after its chairman told the media shortly after its authorization that it did not have a platform because it was still in the process of organizing. The Government refused to recognize the environmentally-based political party, Green Tunisia, despite a long-pending application.

The Government partially funded legal opposition parties. In November 2005 the President announced an increase in the level of support for opposition parties represented in the chamber. The Government raised the public subsidy for operational costs of opposition parties to $56,300 (75,000 dinars) per year, raised the additional

payment per deputy to $5,300 (7,500 dinars), and increased the level of government funding for opposition newspapers to $112,500 (150,000 dinars). Opposition party PDP newspaper Al Mawqif did not receive a subsidy since the PDP was not represented in the legislature (see section 2.a.).

By law the Government prohibits the establishment of political parties on the basis of religion, language, race, or gender. The Government used the prohibition to continue to outlaw the An-Nahdha party and to prosecute suspected members for "membership in an illegal organization" (see sections 2.b. and 2.c.).

On a number of occasions, the President expressed the desire to increase the level of representation of women in the Government to 25 percent. In April 2004 he appointed the country's first female governor. 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 May 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.—There are 13 articles of the penal code addressing corruption, and there were a small number of corruption cases prosecuted throughout the year. On July 26, a newspaper reported that the National Guard arrested a regional tax control officer and prosecuted him on corruption charges after allegedly taking bribes from merchants. The officer, who was not named, was reportedly in detention, although he had not been sentenced at year's end. In March 2004 the Minister of Interior announced creation of the "Higher Institute of Security Forces and Customs," tasked not only with "reinforcing human rights and improving law enforcement," but also reducing corruption. There were no public reports of the organization's subsequent activities. There are no laws to provide government documents to citizens. According to Transparency International, human rights, and opposition groups, the public perception that serious corruption existed within the Government increased. Frequent complaints by citizens and articles in international and unauthorized domestic media about corruption corroborated these reports.

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

The Ministry of Justice and Human Rights has the lead on government policy on human rights issues in the country, 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 Basic Freedoms, 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 government-run 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 international human rights organizations (see section 2.a.).

The Government actively discouraged investigations of human rights abuses by domestic and international groups, who generally were able to investigate and publish their findings 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 of them.

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 a European Union grant to the LTDH, citing a law on NGO financing that includes broad prohibitions on funding of NGOs without government approval. On October 31, the Government sent an official communication to all diplomatic missions in Tunis saying that the LTDH was subject to a 2001 court decision that "forbids all activity of the LTDH." However, the LTDH had conducted widespread activity since 2001.

Other independent human rights NGOs included: the legally registered Arab Human Rights Institute; the Tunisian Association of Democratic Women (ATFD); the unregistered AISPP; and the ALTT.

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 communiques without prior government approval (see section 2.a.).

During the year significant numbers of ruling party RCD members joined and attempted to join independent NGOs such as the LTDH and other civil society groups with the apparent intent of eventually gaining control them (see section 2.b.).

Between April 18 and 22, 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.

On May 21, Yves Steiner, a visiting member of the Executive Committee of the Swiss Section of AI, was arrested and expelled from the country. According to AI, Steiner had delivered a speech on May 20 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.

In April 2005 following more than a year of negotiation, the ICRC signed an agreement with the Government allowing the ICRC to conduct visits to all prisons and detention centers in the country. Throughout the year the ICRC conducted visits, including repeat visits to prisons and detention centers previously visited, and reported that access and cooperation with the Government were good (see section 1.c.). ICRC submitted its first intermediary report to the Ministry of Justice in February.

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.—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 National Union of Tunisian Women (UNFT), a government sponsored organization that ran a center to assist women and children in difficulty, sponsored national educational campaigns for women. The UNFT reported that its two shelters, in Tunis and Sousse, handled 1,000 cases during the year. The ATFD, active in debating and publicizing women's issues, operated a counseling center for female victims and reported that its shelter assisted approximately 100 women using the shelter for the first time during the year, in addition to a continuing caseload from previous years.

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.

The penal code prohibits prostitution, although individuals were rarely charged. There were government-sanctioned brothels, although under the penal code there is a penalty for prostitution of up to two 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. In 2004 the legislature passed the country's first law making sexual harassment a criminal offense. Civil society groups vociferously criticized it for being too vague and susceptible to abuse.

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.

On July 18, the Chamber of Deputies adopted a law that allowed 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, said 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 (see section 3). Women constituted approximately 37 percent of the civil service and 24 percent of the nation's jurists. However, women still faced 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 Muslim 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 convey citizenship rights to their 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. Nearly two thirds of its budget was devoted to ensuring the legal rights of women, while simultaneously improving their socioeconomic status. The Government supported and funded the UNFT, the Center for Research, Documentation, and Information on Women (CREDIF), 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 six to 16 years. According to the UN Children's Fund (UNICEF), 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 was approximately 99 percent. During the year female students graduated from secondary school at a higher rate than males. There were schools for religious groups (see section 2.c.). The Government sponsored an immunization program targeting preschool age children and reported vaccinating more than 95 percent of children. Male and female students received equal access to medical care.

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. There were two ministries responsible for rights of children: the Ministry of Women's Affairs, Family, and Childhood; and the Ministry of Youth, Sports, and Physical Training. Each had secretaries of state responsible for safeguarding the rights of children.

Trafficking in Persons.—The law prohibits trafficking in persons, and 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. The law includes provisions for sentencing convicted traffickers to prison terms of three to 20 years and fines of $67,000 to $83,000 (80,000 to 100,000 dinars). The amendments supplement Tunisian ratification of the United Nations Protocol to Prevent, Supress, and Punish Trafficking in Persons. Traffickers may be prosecuted under laws prohibiting forced displacement of persons.

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 does not, however, have measures to identify trafficking victims from among 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 to help 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 and Solidarity and Tunisians Abroad was responsible for 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. There were some unauthorized, independent trade unions: the Democratic Confederation for Labor; and the Tunisian Journalists Syndicate. 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 membership included persons associated with all political tendencies. There were credible reports that the UGTT received substantial government subsidies to supplement union dues; however, UGTT leaders stated that their only funding came from modest union dues and revenue from an insurance company and a hotel owned by the union. Union members and their families received additional support from the National Social Security Fund (CNSS). The Government provided the UGTT with land for its new headquarters and support for its construction. The central UGTT leadership generally cooperated with the Government regarding its economic reform program. Throughout the year the UGTT board showed some independence regarding economic and social issues, and in 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 (see section 3). The UGTT supported the LTDH and agreed to let LTDH regional chapters use UGTT facilities for conferences and meetings, although the LTDH was unable to hold any conferences during the year (see section 4).

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 is 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. During the year the triennial labor negotiations with the UGTT, the Union of Tunisian Employers (the private sector employer's association) and the Government continued as the UGTT sought more favorable wage increases for employees.

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 ICFTU has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights, but such advance approval rarely was sought in practice. There were numerous, short lived strikes over failure by employers to fulfill contract provisions regarding pay and conditions and over efforts by employers to impede union activities. While the majority of the strikes technically were illegal,

the Government did not prosecute workers for illegal strike activity. The law prohibited retribution against strikers. 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.

There are export processing zones (EPZs) subject to domestic 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 (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under 18 in jobs whose nature and environment present a serious threat to their health, security, and morality, and the UGTT and CNSS conducted inspection tours of factories and industrial sites to ensure compliance with the law.

In April 2005 the Government amended the Household Workers Law to prohibit 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 and Solidarity 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 two hours per day. The total time that children spend in school and work may not exceed seven 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 July the industrial minimum wage was raised to $175 (231 dinars) per month for a 48 hour workweek and to $151 (200 dinars) per month for a 40 hour workweek. The agricultural daily minimum wage was $5.74 (7.58 dinars) per day for specialized agricultural workers and $6.04 (7.98 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 two 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.

The few foreign workers in the country had the same protections as citizen workers.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven semi-autonomous emirates, with a permanent resident population of 3.8 million of which less than 17 percent are citizens; there are at least 1.1 million additional nonpermanent residents. The seven emirate rulers constitute the Federal Supreme Council, the highest legislative and executive body. The Council selects a President and vice President from its membership; the President, in turn, 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 five-year term. Traditional rule in the emir-

ates generally is patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders, to the leaders of the individual emirates, and to the leaders of the federation. There are no democratically elected legislative institutions or political parties. There are no general elections; however, citizens express their concerns directly to their leaders through traditional consultative mechanisms such as the open majlis, or council. A consultative body, the Federal National Council (FNC), consists of 40 advisors, 20 of whom are elected by an appointed electorate. The civilian authorities generally maintained effective control of the security forces.

The Government's respect for human rights remained problematic, and significant human rights problems reported included: no citizens' right to change the Government and no popularly elected representatives of any kind; flogging as judicially sanctioned punishment; arbitrary detention and incommunicado detention, both permitted by law; questionable independence of the judiciary; restrictions on civil liberties- freedom of speech and of the press (including the Internet), and assembly; restrictions on right of association; restrictions on religious freedom; domestic abuse of women, sometimes enabled by police; trafficking in women and children; legal and societal discrimination against women and noncitizens; corruption and lack of government transparency; common abuse of foreign domestic servants; and severe restrictions on and abuses of workers' rights.

The Government made progress in addressing the problem of human trafficking, repatriating children identified to have been trafficked to the UAE for use as camel jockeys.

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 there were no reports that government officials employed it; however, courts applying Shari'a (Islamic law) sometimes imposed flogging sentences on both Muslims and non-Muslims as punishment for adultery, prostitution, consensual premarital sex, and for pregnancy outside of marriage. On March 13, a R'as al-Khaimah court sentenced a woman to five years and 150 lashes for adultery, and on June 11 a man was sentenced to be stoned to death for adultery with a maid. The law allows for capital punishment, and, unlike in previous years, capital sentences were carried out.

Flogging was also imposed as punishment for defamation of character, and drug or alcohol abuse. There were credible reports that some authorities used leather straps and canes to administer floggings, which left substantial bruising, welts, and open wounds on the recipients' bodies. On March 22 a R'as al-Khaimah court ordered the amputation (in absentia) of a man's hands on charges of theft.

Prison and Detention Center Conditions.—Prison conditions varied widely from emirate to emirate. Some prisons were overcrowded and had spartan living conditions. Again during the year there were reports of prison overcrowding in Abu Dhabi and Dubai prisons. Between May and August Dubai began to occupy a new 6,000 bed prison facility; Dubai reportedly housed less than 3,000 prisoners at any given time during the year. Noncitizens represented approximately 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 in special sections of the regular prisons. Conditions in these 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 had received (see section 5, Other Societal Abuses and Discrimination).

Police in Dubai and Abu Dhabi stated that non governmental organizations (NGOs) and the International Committee of the Red Cross have access to observe prison conditions if requested; however, there were no reports of any requests for such visits during the year.

Representatives of religious and national communities regularly met with prisoners. Representatives from the General Women's Union (GWU), a local organization partially funded by the Government, regularly met with female prisoners, helped them financially, and paid their airfare, when necessary, to repatriate noncitizens after their release.

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; and that the Government charged individuals but denied them a preliminary judicial hearing within a reasonable period. The law permits indefinite routine prolonged incommunicado detention without appeal, and the detainee only has the explicit right to contact with an attorney.

In 2005 there were reports that at least three persons were detained without charge for several months. Abdullah Sultan al-Subaihat, Mohammad Ahmad Saif al-Ghufli, and Sa'eed Ali Hamid al-Kutbi, were arrested in August 2005 and released without charge on October 25. No reasons were given for their being held in solitary confinement. On January 6, Humeid Salem al-Ghawas al-Za'abi, a former air force officer, was released without charge; he had reportedly been held incommunicado and without charge since March 2004.

On August 23, Mohamed Abdullah Al-Roken, a human rights activist, attorney, and former President of the Jurists Association, was detained and questioned for 72 hours by State Security officials in Dubai before being released without charge. He had previously been detained for 24 hours in July. In both instances, he was interrogated about his human rights activities and public lectures (see sections 4 and 2.d.).

Role of the Police and Security Apparatus.—The federal Ministry of Interior oversees Police General Directorates in each of the seven emirates; however, each emirate, via its corresponding Police General Directorate, maintains its own police force and supervises the police stations therein. While all emirate police forces theoretically are branches of the ministry, in practice they operate with considerable autonomy and varying degrees of efficiency. Police stations take complaints from the public, make arrests, and forward most cases to the public prosecutor. These cases are then transferred to the courts. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities often summarily deported the defendants. All cases are filed with the Ministry of Interior (MOI). While reported incidents of police corruption are uncommon, the ministry intervened several times in criminal cases to ensure local police were compliant with federal law and policy. There were no reports that impunity was a problem.

In May 2005 the Government created a 70-person antitrafficking section within the Ministry of Interior, and in October 2005 Dubai Police established a special Human Trafficking section that works in conjunction with the Human Rights Care Department.

Arrest and Detention.—The law prohibits arrest or search without probable cause, but the Government did not always observe these provisions in practice. There were credible reports that security forces failed to obtain warrants in many cases. Indefinite detention without charge is permitted upon judicial review.

Under the Criminal Procedures Code, police are directed to report arrests within 48 hours to public prosecutors, who must determine within the next 24 hours whether to charge, release, or further detain the suspect pending an investigation. In practice the 24-hour time limit was not always met. Public prosecutors may order that detainees 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 to the detention period indefinitely and without charge. Suspects have the right to protest any extensions of their detention periods ordered in absentia, although this right was not afforded in cases of incommunicado detention. A 2004 antiterrorism law allows public prosecutors to hold suspects in terrorism-related cases without charge for six months, an increase over the previous limit of three weeks. Once a suspect is charged, terrorism cases are handled by the Supreme Court, which may extend the detention period indefinitely.

As in the previous year, several diplomatic missions expressed concern that authorities failed to provide consular notification when their citizens were detained or arrested.

There is no formal system of bail; however, authorities can release detainees temporarily who deposit money, an important document such as a passport, or an unsecured personal guarantee statement signed by a third party. Those arrested on nonsecurity charges were generally allowed to telephone third parties and to have access to family members at some point while in detention, although not generally promptly.

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 killing.

A defendant is entitled to an attorney only after the police have completed their investigation. As a result, police can question accused persons sometimes for days or weeks without benefit of legal counsel if the Prosecutor General approves.

Amnesty.—Rulers of the individual emirates regularly pardon and pay the debts of prisoners on religious and national holidays. During the year, at least 969 prisoners were pardoned, and over $1 million (3.6 million dirhams) in debts were paid. Most pardoned foreign nationals were deported.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, its decisions are subject to review by the political leadership. The judiciary, composed largely of contracted foreign nationals potentially subject to deportation, was not generally considered independent. The law prohibits women from serving in the judiciary.

There is a dual court system. Shari'a (Islamic law) courts adjudicate criminal and family law matters based on each emirate's interpretation of Islamic law; civil courts adjudicate civil law matters. Civil courts generally are part of the federal system, except in the Dubai and R'as al-Khaimah emirates, and are 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 R'as 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 do not refer cases in their courts to the Federal Supreme Court for judicial review, although they maintain a liaison with the federal Ministry of Justice.

Each emirate administers Shari'a courts. In some emirates, these courts consider all types of civil and commercial cases as well as criminal cases and family matters. They act in accordance with their interpretation of Islamic law but also are required to answer to the Federal Supreme Court, with the exception of the emirates of Dubai and R'as al-Khaimah. In criminal cases Shari'a is applied first and, if evidence required by Shari'a is found insufficient, the Penal Code is used. Dubai has a special Shi'a council to act on matters pertaining to Shi'a family law (see section 5).

Trial Procedures.—The constitution does not provide accused persons the right to a speedy trial but does provide the right to a fair public trial. Civil defendants at times demanded same day disposition of the cases filed against them. Authorities generally brought criminal defendants to trial within two to three months, with the exception of more slow-moving drug related cases, in which authorities are required to inform the office of the ruler for the emirate in which the offense was committed. There were credible reports that these cases often took more than six 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. In Abu Dhabi Emirate, review of criminal cases by the local ruler's personal office, or diwan, as well as an extralegal requirement that the diwan approve the release of every prisoner whose sentence has been completed, resulted in bureaucratic delays in processing or releasing prisoners, and some prisoners served time beyond their original sentences.

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 are permanent and are 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 varies, approximately 85 percent of public prosecutors were citizens.

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 three 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 is provided with access to relevant government held evidence.

Defendants are presumed innocent until proven guilty. All trials are before judges, not juries, and trials are public, except for national security cases and those deemed by the judge likely to harm public morality. By law all prosecutions are conducted in Arabic; although the defendant has a procedural right to a translator, in practice translation was often only provided 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, although 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, or diya, to the victims' families to receive their forgiveness and commute death sentences.

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.

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.

The local rulers' diwans, following traditional prerogatives, maintained the practice of reviewing many types of criminal and civil offenses before cases were referred to the prosecutor's office. The diwans may review sentences passed by judges and return cases to the court on appeal. The diwans' involvement, which typically occurs when the case involves parties from two different emirates or a citizen and a noncitizen, can lead to lengthy delays prior to and following the judicial process.

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.—During the year there were no reports of either political detainees or prisoners; however, there were persons reportedly held incommunicado and without charge. It is unknown why they were detained (see section 1.d.). Some human rights groups claimed that at least four of these individuals were political prisoners.

Civil Judicial Procedures and Remedies.—There was access to courts to seek damages for, or cessation of, human rights violations. The civil courts, like all other courts in the country, maintain questionable 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. Only police officers and public prosecutors carrying a warrant are permitted entry into homes. Officers' actions in searching premises are subject to review, and officers are liable to disciplinary action if their actions are judged to be irresponsible. Local custom and practice place a high value on privacy, and entry into private homes without owners' permission was rare. A female police officer is required to be present during the search of a private home when male family members are absent.

Authorities do not commonly screen private correspondence; however, there have been reports of censorship of incoming international mail. The government-owned Internet provider, Etisalat, regularly blocks internet sites that censors determine to be "objectionable" (see section 2.a.).

Family matters for Muslims are governed by Shari'a and the local Shari'a courts. Muslim women are forbidden to marry non-Muslims. In such cases, both parties can be arrested and tried. However, Muslim men are free to marry all women "of the book," i.e., Muslim, Christian, and Jewish women (see section 5).

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 (see section 2.c.). The law prohibits criticism of the rulers, and from acts to create or encourage social unrest.

The Press and Publications Law covers all media including; print, electronic, and book publishing. It governs content, requires that publications be licensed and provides for prosecution 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.

By law, the Media Council, appointed by the President, licenses all publications. The council is informed of the appointment of editors and is responsible for issuing editors their press credentials. According to Media Council and Dubai Police officials, journalists were not given specific publishing instructions. Self-censorship was

practiced, with the ministry relying on editors' and journalists' discretion to refrain from publishing problematic material that could cause them problems.

Two of the country's newspapers, Al-Ittihad and Al-Bayan, were government-owned or 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. Newspapers often relied on news agencies for material. The government-owned Emirates News Agency regularly provided material that newspapers printed verbatim.

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, which were accessed by the local audience.

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. Media Council censors (previously under the Ministry of Information) 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.

In January the case against Basma al-Jandaly, a Dubai-based journalist, was dismissed. She was arrested for writing an article in 2005 in Dubai's leading English daily, Gulf News, about a man in Sharjah Emirate who had stalked and stabbed women. The warrant issued by Sharjah police contended that her article may have helped the attacker escape by alerting him to the investigation.

Internet Freedom.—The Government restricted access to some Web sites on the Internet. Internet chat rooms, instant messaging services, and blogs were monitored. Individuals and groups engaged in peaceful expression of views via the Internet, including by email, without reports of government prosecution or punishment, although there was self-censorship apparent in many chat rooms and blogs.

According to the NGO The Initiative for an Open Arab Internet, Internet access was widely available. According to January 2005 press reports, 37 percent of the country's population was connected to the Internet provided through the state owned monopoly Etisalat. A proxy server blocked material deemed inconsistent with the religious, cultural, political and moral values of the country; information on how to circumvent the proxy server; dating and matrimonial sites; and gay and lesbian sites, as well as those concerning the Baha'i Faith and those originating in Israel. 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; though individuals could also report offensive sites. In July 2005 Etisalat blocked a blog from within the country for the first time, briefly blocking http://secretdubai.blogspot.com due to a compliant that it contained "nudity"-though the site contains no images. Etisalat removed the block after the site's owner requested that the block be reviewed. There were no other reports of local blogs, being blocked. The politically oriented—and often critical -sites Arabtimes.com and UAEprison.com remain blocked without explanation.

Etisalat denied having the authority to block any site, and referred all complaints and suggestions to the Media Council. Internet filtering policy and appeals are regulated by the Telecom Regulatory Authority. Each blocked site provided an email address and Web site by which a user could notify Etisalat if the site should not be blocked. Some sites were unblocked following a review. Etisalat also blocked all "voice chat" and Voice over Internet Protocol (VOIP) Web sites and services. The proxy server did not generally affect Internet access in Dubai's Internet City and Media City.

In January the Government enacted the Information and Privacy "cyber crime" law which 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 the country. In addition to criminalizing acts commonly associated with "cyber crimes" such as hacking, phishing, various 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 further criminalizes use of the internet in transcending "family values" by publishing either news or photos pertaining to a person's private life or that of his/her family, or by promoting a program in breach of public decency.

Academic Freedom and Cultural Events.—Academic freedoms were constrained. On February 14, a foreign lecturer at Zayed University was fired for showing a series of cartoons from a Danish newspaper portraying the Muslim prophet Mohamed and discussing the international uproar caused by the cartoons. The lecturer's supervisor was also fired but later reinstated.

Academic materials destined for schools were routinely censored. Students were banned from reading texts featuring sexuality or pictures of the human body. On March 6, the Ministry of Education banned and confiscated all copies of a social studies book entitled "World Cultures" from all private schools for containing materials that "offend Islam and promote sentiments against tolerance and national accord."

In September 2000, 15 intellectuals and academics were banned from publishing and teaching in the UAE, including Dr. Mohammed Al-Mansouri, Dr. Mohammed Al-Roken, Dr. Ateeq Jakkah, Dr. Abdul Razzak Al-Faris, Dr. Ali Al-Hammdi, Dr. Ibrahim Al-Shamsi, Dr. Abdul Rahman Shuhail, Dr. Mohd Makklouf, Dr. Ahmed Al Olaimi, and Dr. Khalifa Al-Suwaidi. At year's end only Khalifa Al-Suwaidi had been allowed to return to teaching and writing. On September 21, the Government cancelled an event in Fujairah organized by the Jurists' Association, where Mohammed Al-Roken and Mohammed Al-Mansouri were scheduled to lecture on civil rights, women's rights, and democracy. No reasons were provided for the action (see section 2 b.).

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. 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 non-political gatherings held without a government permit in public places, unless there were complaints.

Freedom of Assembly.—During the year there were approximately 20 widely publicized, organized gatherings (primarily in Dubai) before the Ministry of Labor building of workers complaining of unpaid wages and unsuitable working conditions. These gatherings occurred without prior government permission and also without government interference (see section 6).

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 citizen's associations licensed by, and subsidized by, the Government, that were able to organize for economic, religious, social, cultural, athletic, and other purposes.

In September 2005, the Government cancelled an event in Fujairah organized by the Jurists' Association on civil rights, women's rights and democracy. No reasons were provided publicly for the action. (see section 2.a.).

Freedom of Association.—There are no political organizations, political parties, or trade unions (see sections 3 and 6.a.). All NGOs are required to register with the Ministry of Social Affairs, after which they receive subsidies from the Government based on the membership size. Approximately 100 domestic NGOs were registered with the ministry. However, despite the requirement, more than 20 unregistered local NGOs focused on non-political topics and operated with little or no government interference. The percentage of citizen membership in NGOs varied widely.

NGOs must be approved by the Ministry of Social Affairs. The first quasi-independent human rights NGO in the country was approved during the year (see section 4). 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 (see section 4).

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, although these customs restrict this right in

practice. The constitution declares that Islam is the official religion of all seven emirates. According to the 2001 census, 76 percent of the 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, and several prominent mosques had large private endowments. A committee of the Ministry of Justice, Islamic Affairs, and Endowments drafts and distributes all Friday sermons to Sunni and Shi'a imams (see section 2.b.). The Government monitors all sermons for political content.

The Government supports a moderate interpretation of Islam; however, as the state religion, Islam is favored over other religions, and conversion to Islam is viewed favorably. All Sunni imams are employees of either individual emirate departments or of the federal Ministry of Justice, Islamic Affairs, and Endowments. Dubai's department of Islamic affairs and endowments has 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 is 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 own 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. There were only two cremation facilities and associated cemeteries for the large Hindu community, one in Dubai and the other in Abu Dhabi. Official permission must be obtained to use the facilities in every instance, which posed a hardship for the large Hindu community.

The Government prohibits Muslims from converting to other religions. Although non-Muslims in the country are free to practice their religion, they are subject to criminal prosecution, imprisonment, and deportation if found proselytizing or distributing religious literature to Muslims. There are 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 is 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 (see section 2.a.).

There is a small resident noncitizen Jewish population of unknown size; there are no synagogues. There were no reported acts of physical violence against or harassment of Jewish persons, however, anti-Semitism in the government-affiliated media was present and anti-Semitic articles and editorial cartoons depicting demonic images of Jews, negative images of Jews along with Jewish symbols, and comparisons of Israeli leaders and Israel to the Nazis were published throughout the year. These expressions occurred primarily in the Government operated daily newspaper Al-Ittihad and the Government affiliated periodical, Al-Bayan. These anti-Semitic articles and depictions occurred without government response.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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 emigration is 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 (see section 5). 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.

There was a small population of "stateless" residents who either were without citizenship or had no proof of citizenship for any country. Many such persons had lived in the country for more than a generation. Many stateless residents originally were from Iran and South Asia. Other stateless residents included Bedouins and their descendants who were unable to prove they originated in the country. Since stateless residents do not have official identification documents, they are unable to enroll in school, secure a work permit, open a bank account, or travel outside the country, among other hindrances.

There is no formal procedure for naturalization, although foreign women may receive citizenship through marriage to a citizen after 10 years, and anyone may receive a passport by Presidential fiat. Since naturalized citizens are not of the country's original tribal groups, their passports and citizenship status may be revoked for criminal or politically provocative actions. However, such revocations were rare, and there were no reports of such occurrences during the year.

Children born to male citizens acquire citizenship at birth. The same benefit 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. Passports are generally issued and citizenship is generally received even though there is no provision in the law.

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, foreign nationals in most occupations are not permitted to change employers without first leaving the country for six months, unless the former employer agrees to waive the requirement (see section 6.e.).

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN 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, or the return of persons to a country where they feared persecution. The Government did not grant refugee status or asylum.

Refugees generally were required to petition for settlement in third countries. In the past the Government detained persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in third countries.

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

The law does not provide to citizens the right to change their government peacefully, or to freely change the laws that govern them. There are no democratic elections or institutions and citizens do not have the right to form political parties. However, in December an appointed electorate elected one-half of the 40-seat Federal National Council. 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 are made by consensus among the rulers, their families, and other leading families. The seven emirate rulers, together with their extended families and those persons and families to whom they are allied by historical ties, marriage, or common interests, hold political and economic power in their respective emirates.

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 five-year term.

The rulers of the seven semi-autonomous emirates appoint the Federal National Council (FNC), a 40-person advisory federal consultative body. While the constitu-

tion requires that the President call the FNC into session each year by the third week in November, the FNC has not been in session since June 2005. The members are 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 two 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; 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. On December 16, 18, and 20, one-half of the FNC was elected by an electoral college appointed by the rulers of each emirate. The electoral college was established in September, and consisted of 6,689 members, including 1,189 women. One woman was elected to the FNC.

The ruling families, in consultation with other prominent tribal figures, choose new emirate rulers. By tradition, rulers and ruling families are presumed to have the right to rule, with their incumbency ultimately depending on the quality of their leadership and their responsiveness to their subjects' needs. Emirate rulers were accessible, in varying degrees, to citizens with a problem or a request.

There were very few women in senior government or business positions. There were no female members of the judiciary. The Federal Judicial Authority law prohibits women from working as judges or public prosecutors. During the year women underwent public prosecution training, and in August three women were appointed to senior administrative positions in the Dubai Public Prosecutor's Office, but not as prosecutors.

Other women in senior federal government positions included the Minister of Economy, the Minister of Social Affairs, the secretary general of the Cabinet of Ministers, and two assistant undersecretaries in the Ministry of Education.

During the year there were 32 women, approximately 10 percent of the diplomatic corps, serving as diplomats in the Ministry of Foreign Affairs. Although there was no law prohibiting women from being diplomats, no women served as diplomats prior to 2001.

In Sharjah seven women served on the 40-seat Consultative Council, and 2 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 enjoyed commercial success, there were no Shi'a in top positions in the federal government.

Government Corruption and Transparency.—There were reports of government corruption at the administrative level. An Abu Dhabi Police study published in February 2005 cited a problem of "rampant" bribery, nepotism, embezzlement, and abuse of power throughout local administrations. Subsequently, special anti-corruption sections were established to investigate and prosecute violators. In December 2005 the Penal Code was amended to increase penalties for corruption-related offenses, including mandatory prison time (minimum of one year) for any government official accepting a bribe, up to five years for attempting to bribe an official, and various prison terms for embezzlement. There were no reports of prosecutions under the new Penal Code amendments.

The law provides for public access to government information, but this provision was followed only selectively. Requests for access were usually not denied, but simply went unanswered. Draft legislation was not available to the public, nor was there any period for public comment on proposed legislation.

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

There was one quasi-independent human rights organization based in the country. In February the Ministry Social Affairs approved the establishment of the Emirates Human Rights Association (EHRA), after having failed to take action on two previous applications filed since 2004. The only other local human rights organization was the government-subsidized Jurists' Association Human Rights Committee, which focused on human rights education and conducted seminars and symposia subject to government approval (see section 2.b.).

In July 2004 a group of citizens headed by Mohamed Al-Roken petitioned the Ministry of Labor and Social Affairs to approve the registration of an independent human rights NGO, the UAE Human Rights Society. In April 2005 another group led by Khalifa Bakhit Al-Falasi, applied to establish another human rights organization. According to the Ministry's own regulations, it is required to act on all such applications within 30 days of receipt of the applications, but it did not act on either application by the end of the year. The NGO that was finally approved, the EHRA,

was initially composed of members drawn from the first two applications of which the names had been vetted by the Government. This application did not include either Al-Roken or Al-Falasi and was filed by Mohammed Al-Daheri. Once approved, the association's membership was open to any adult citizen who did not have a criminal record.

There were claims that state security officials harassed human rights activists including Mohamed Al-Roken for their lectures, writings and activities regarding human rights and democratization. Al-Roken was detained and questioned for two-days in July and three-days more in August before finally being released without charge. On July 17, an arrest warrant was issued for Mohamed Al-Mansouri, a lawyer, human rights activist and President of the Independent Jurists Association, stemming from slander charges filed by the General Public Prosecutor's Office for information published on the Web site of a London-based think tank, civil society, and human rights organization that Al-Mansouri chairs.

Domestic NGOs were charitable, social, and educational in their purposes. They were required to register with the Government and were subject to many regulations and restrictions. In practice these restrictions, if violated, were often overlooked.

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 cooperated with international governmental organizations and worked closely with both UNICEF and UNODC on human rights programs. UNICEF representatives specifically commended the country for their work on rescuing and repatriating many children previously used as camel jockeys.

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.—There is broad legal and societal discrimination against women. Islamic law governs the personal status of women, but civil law governs their activities in the civic and commercial sphere. Muslim women are forbidden to marry non-Muslims (see section 1.f.). Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country. All male citizens can pass citizenship to their children at birth, whereas female citizens married to noncitizens do not automatically pass citizenship to their children (see section 2.d.). The Government was generally not effective in enforcing women's rights and protecting women from abuse. There is no data regarding the number of abusers who were prosecuted, convicted, or punished.

Domestic abuse against women was a pervasive problem. A UAE University study published in February 2005 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 over 50 percent of respondents said that they witnessed their mothers being abused in the home.

Abuse and rape are criminal offenses, and offenders are prosecuted and penalized. There were many press reports of spousal abuse. 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, seven years if it only results in disability, and one year if only resulting in temporary injury.

There were no specific reports of honor crimes or killings, although it was rumored to occur within the foreign population.

The law protects women from verbal abuse and harassment from men outside the family; however, male guardians within the family have a right in the Penal Code to discipline women and children family members at their discretion, including use of physical violence. Violators outside of the immediate family are subject to criminal action, including up to one year in prison, a fine of not more than $2,750 (10,000 dirhams) and deportation if not a citizen. During the year the press reported incidents of men being arrested and prosecuted for harassing women in public. The Penal Code prohibits "disgracing or dishonoring" a person in public, punishable by a minimum of one year in prison, and 15 years if the person is under the age of 14. An "infamous" act against the rules of decency carries a penalty of six months in prison, and dishonoring a woman by word or deed on a public roadway results in up to one year in prison and a $2,700 (10,000 dirhams) fine.

Police units are stationed in major public hospitals so that victims of abuse may file complaints, which fall under the jurisdiction of the Shari'a courts. In addition, attending physicians may call police to interview suspected victims of abuse. Social

workers and counselors, usually female, also maintained offices in public hospitals and police stations. However, women sometimes were reluctant to file formal charges for social, cultural, and economic reasons.

All Dubai police departments, and many police departments in other emirates, have human rights and social support offices that provide assistance to women and children who are victims of abuse. When abuse is reported to local police, authorities may take action to protect the complainant; however, the Government was generally not effective in protecting women from abuse. There were several reports that police authorities 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.

The Government has not developed an effective method to screen and identify real or potential trafficking victims at ports of entry or after arrests, unless they come forward on their own. Identifying victims relies almost exclusively on the willingness of a victim to take the initiative in filing a complaint against a trafficker. The Government grouped trafficking victims with other human rights cases. Other than former camel jockeys, the Government did not know how many trafficking victims it assisted during the year. The Government maintained records of the number of persons arrested and prosecuted for trafficking.

Some local and foreign employers physically and sexually abused female domestic servants; in some cases, the situation rose to the level of involuntary servitude (see section 6.e.). 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 to their home countries before a criminal complaint could be filed.

No law prohibits 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 regularly from the states of 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 (see section 5, Trafficking).

While prostitution was widely acknowledged to exist, the Government did not address the issue publicly because of societal sensitivities. 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 Government's interpretation of Shari'a is applied in personal status cases and family law. The law permits men to have more than one wife, but not more than four at any time. 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 remain under her control and are 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 for a woman to pay it back should there be a divorce. During the marriage, the husband is legally obliged to provide a marital home and necessities for his wife and children. 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 equally to men and women, although laws of distribution may differ. For example, women normally inherit less than men; 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 three months, or if he has not maintained her upkeep or that of their children.

A July 2005 Personal Status Law enables women to obtain a khul' divorce, or divorce by petitioning the Shari'a court, by paying compensation, or by returning 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 11. 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 by taking possession of their passports (see section 2.d.).

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, some government administrations do not employ married women without their husbands' written consent.

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. The Abu Dhabi Chamber of Commerce, the UAE Businesswomen's Council, and the General Women's Union (GWU) regularly conducted programs to encourage women into small business entrepreneurship. Three women members of the Dubai Chamber of Commerce served on the board of directors.

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 two months' paid maternity leave; however, citizen teachers receive only 45 days' paid maternity leave, with a guaranteed position after maternity leave.

According to the Ministry of Planning, female citizens constituted approximately 26 percent of the national workforce, an 11 percent rise over the past 10 years. The Government publicly encouraged female citizens to join the workforce and ensured public sector employment for all that applied. According to government statistics, women comprised approximately 42 percent of all employees in education, 34 percent in the health sector, 20 percent in social affairs, 28 percent of all civil servants, and 57 percent of citizens working in banking and financial services.

Women constituted approximately three-fourths of all university students. Coeducation is prohibited in public schools and universities except at the UAE University Executive MBA Program. Several private universities and institutions are coeducational.

Government-sponsored women's centers provided adult education and technical training courses. Women were actively recruited to work as police officers

Children.—The Government was committed to children's rights and welfare, and expended resources on the welfare of citizen children; however, noncitizen children received fewer benefits.

All children received free health care and all citizen children also received free public education through the university level. Noncitizen resident children were not permitted to enroll in public schools unless they lived in rural areas that lacked private schools. Many foreign workers in private sector employment received education allowances as part of their salary packages. For those who did not receive the extra salary benefit, the Government provided an annual subsidy of approximately $1,600 (6,000 dirhams) per family to its noncitizen employees for private school tuition.

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. For the 2004–05 academic year, the Ministry of Education reported student dropout rates as 9.9 percent of the 143,301 primary level students (grades one to five); 8.3 percent of the 148,563 middle school students (grades six to nine); and 9.3 percent of the 102,903 students at the secondary level (grades 10 to 12).

Housing benefits were also routinely granted to citizens with children. Some citizens opted for available government land grants and interest-free loans to build their homes. Citizens employed by the Government were also eligible to receive higher salaries to support their children who were under the age of 18, were unmarried, or had disabilities. The Government, through its Marriage Fund, encouraged citizens to marry fellow citizens by providing significant funding to subsidize dow-

ries and to offset customarily high wedding expenses. The media regularly published articles encouraging citizens to have large families.

Child abuse was not prevalent. Trafficking of young, noncitizen boys employed as camel jockeys was a serious problem in the past, with the last known case of a child being used as a jockey occurring in March 2005. (see section 5, Trafficking).

Trafficking in Persons.—On November 10, the President issued a comprehensive law prohibiting trafficking in persons. The law prescribes punishments including jail sentences for those convicted of trafficking, including trafficking for commercial sexual exploitation and involuntary servitude. The new law generally follows the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. Prior to the passage of the antitrafficking law, defendants were prosecuted primarily under articles of the Penal Code addressing juvenile labor and child welfare, forced labor, trafficking for slavery, and kidnapping. Regardless of the change in law, the trafficking of men, women, and children from South and East Asia, Eastern Europe, Africa, and the Middle East for involuntary servitude and for sexual exploitation continued to be serious problems.

The Government made progress in combating the problem of trafficking. In addition to the new antitrafficking legislation, the Government worked with UNICEF, source country embassies, and NGOs to identify, rescue, rehabilitate, and repatriate approximately 1,069 children who had worked as camel jockeys. Since July 2005 the Government provided in excess of $3 million for care and repatriation of all the boys, which included financing of social services and resettlement sites in Pakistan, Bangladesh, and India to facilitate the return of the children to their home countries. By year's end there were no identified children remaining in rehabilitation shelters awaiting repatriation.

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 trafficking activity was conducted with the complicity of some of the women's citizen sponsors and by non-citizen traffickers. For example, during the year a Bangladeshi woman who came to work in the country as a domestic servant was thrown from a fourth floor balcony by her five Bangladeshi traffickers when she refused to become a prostitute.

As many as 10,000 women were sexually exploited for profit in the country. Law enforcement, particularly in Dubai and Abu Dhabi, investigated reports of trafficking in women for prostitution, but prosecutions for sex trafficking remain extremely low relative to the extent of the problem. In 2004 and during the year, Dubai police closed 39 hotels in Dubai and several massage parlors and night clubs suspected of exploiting women for prostitution.

Unlike in previous years, instead of summarily deporting all women arrested for prostitution, the Human Rights Care Department housed in hotels women who identified themselves as victims of and could provide evidence about trafficking until they could testify in trials against the traffickers. The Government has not 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 are believed to have been deported without access to protection services or without being able to testify against their traffickers. Victims who were unable to provide evidence of trafficking were also assisted until they had acquired travel documents to return home.

In 2005 the Government convicted at least 12 persons, including at least seven foreigners, of offenses related to trafficking in women and sentenced them to prison terms of between two and five years (and in one case 90 lashes) and deportation. No statistics were available for the current year.

The Government also provided assistance to trafficking victims. Counseling services were available in public hospitals and jails. The Dubai police also sponsored a Crime Victims' Assistance Program, and assigned program coordinators in police stations throughout the city.

In May 2005 the Government created a 70-person antitrafficking section within the Ministry of Interior, and in October 2005 Dubai Police established a special Human Trafficking section that works in conjunction with the Human Rights Care Department.

Persons With Disabilities.—There is no federal legislation requiring accessibility for persons with disabilities; however, most public buildings provided access. There were no reported incidents of discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The Ministry of Labor operated five federal rehabilitation centers, which were open only to citizens. The Ministry of Interior 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 healthcare, 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.

National/Racial/Ethnic Minorities.—Societal discrimination against noncitizens, while not legally sanctioned, 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, who comprised approximately 85 percent of the resident population. More than 50 percent of foreign workers were estimated to have come from the Indian subcontinent.

The Government failed to provide many free or reduced-cost services to noncitizens including child and adult education, health care, housing, and social and recreational club memberships. While citizens who contract HIV are afforded full, continuous, and free health care, noncitizen migrant workers who contract the same disease are denied health care and deported. Expatriate residents infected with HIV are denied all healthcare benefits, quarantined, and deported.

Other Societal Abuses and Discrimination.—Both civil law and Shari'a criminalize homosexual activity. In November 2005 Abu Dhabi Police arrested 26 men, 13 citizens and 13 other Arabs and Asians, for alleged homosexual activity. Government officials reportedly said that the men were transferred to the ministry's Social Support Center and would "be given the necessary treatment, from male hormone injections to psychological therapies" after their trial. The Ministry of Interior later disavowed this statement. In May 12 of the 13 nationals involved were sentenced to five years in prison; the other was given six months, all for immoral activities. All 13 of the foreign nationals involved were sentenced to a period equal to that which they had already been imprisoned, and were deported to their home countries.

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 (see section 1.c.).

Section 6. Worker Rights

a. The Right of Association.—The labor law, dating from 1980 does not authorize workers to form or join unions, and none existed. The labor law does not cover domestic servants, government workers, or agricultural workers. Professional organizations do exist and collective work dispute resolution is explicitly permitted (see section 6.b.). International affiliation by professional associations must be approved by the Government. There have been no attempts to form labor unions.

Since 1995 the country has been suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the Government's noncompliance with internationally recognized worker rights standards.

b. The Right To Organize and Bargain Collectively.—The law does not explicitly prohibit or permit strikes or collective bargaining units for private sector employees. The law does provide for collective work dispute resolution. Professional associations, organized by profession (e.g., teachers, jurists, engineers, medical professionals, and social workers), were the only workers' associations that existed in the country. Although foreign workers may belong to these associations, they do not have voting rights and cannot serve on the boards of these organizations. The Government granted some professional associations limited freedom to raise work-related concerns, to lobby the Government for redress, and to file grievances with the Government.

The labor law does not forbid strikes but does allow an employer to suspend an employee for temporarily striking. On September 10 there was an administrative directive to ban employment of strike instigators. In practice the Government did not prevent non-violent protests, and generally did not take retributive action against striking workers. Ministry of Labor officials reported that the law does not forbid strikes, and if laborers feel they are denied their rights they can stop working. In that case, however, such workers may be subject to deportation for breach of contract. In September the Ministry of Labor passed an administrative resolution stating that foreign workers who instigate illegal strikes may be banned from employment for one-year. There were no reports of groups of workers being deported for striking; however, at least one worker was deported for continuing to incite his coworkers to strike after the Ministry of Labor had begun to take action on the case. Other employees who took part in the strike were not deported after they returned to work.

In practice there were numerous strikes by private sector employees. For example, during the year over 1,600 workers in Dubai went on strike after not having been paid in four months and for living in unhealthy conditions. The Ministry of Labor quickly met with both labor and company representatives and ordered the company to immediately pay all back wages. Another dispute in June involved 6,500 laborers who went on strike demanding a wage increase from $177 (650 dirhams) to $218 (800 dirhams). The ministry told them to return to work or face deportation since the employer had met its obligations under a valid work contract.

In addition, workers participated in organized and impromptu gatherings almost daily in front of the Ministry of Labor in Abu Dhabi and Dubai to complain of unpaid wages and hazardous or unfair working conditions. Generally, the workers at these gatherings did not have a permit to protest, but the Government did not punish any workers for doing so. The Government prohibits strikes by public sector employees on national security grounds. Almost all strikes were in response to unpaid wages, and most involved construction companies (see section 6.c.).

Domestic workers' contracts were not covered by the labor law.

The Ministry of Labor distributed information to foreign workers, available in five languages, both directly and through their sponsoring companies' public affairs offices, outlining their rights under the labor law and explaining how to pursue labor disputes, whether individually or collectively.

An extremely small number of workers were eligible to pursue a resolution of a collective labor dispute; due to the lack of unions, many employees are never allowed the opportunity to pursue collective resolutions. Employees covered by the labor law may file individual or collective employment dispute complaints in Arabic with the Ministry of Labor, which serves as the mediator between the parties. If the dispute remains unresolved, the employee may file a complaint with the labor court system. The labor law gives the ministry two weeks to resolve the dispute or refer it to the courts, although in practice, it generally takes a month or more. In all cases, complaints must be filed with the ministry before they can be submitted to the court for consideration.

Parties in a collective work dispute may file complaints with the Ministry of Labor. During the year the ministry settled approximately 85 percent of complaints. If the ministry is unable to mediate a settlement within 10 business days, the complaint is to be submitted to a Conciliation Committee for mediation, which consists of the manager of the labor department, a member of the Chamber of Commerce, a member of the vocational society chosen by the workers as a dispute representative, and a nonvoting legal expert from the ministry.

Either the employee or employer can appeal the Conciliation Committee's decision to a Supreme Committee of Conciliation whose decision, while final, is only enforceable if both parties agree to the decision. Either party can, at any time in the process, ask that his/her dispute be referred to the Court of First Instance in the emirate where the alleged violation occurred. If a case cannot be settled, it is then referred to the court, where labor cases were quickly adjudicated during the year and not subject to court fees. Rulings were generally in favor of the workers and are fully possible to implement. In practice, most cases were resolved through direct mediation, and if that failed they were sent directly to the courts without going to the Conciliation Council. When a case is delayed the Ministry grants the worker temporary permission to legally continue employment in the country. In November Dubai's ruler, Mohamed bin Rashid Al-Maktoum, established a new court to hear labor disputes in Dubai.

The Ministry of Interior's Naturalization and Residency Administration mandates use of standard contracts for noncitizen domestic servants, clearly listing the salary, work requirements, and duration of employment. Domestic workers may bring work-related disputes to Conciliation Committees organized by the Ministry of Interior or to the Court of First Instance. The Ministry of Interior settles most disputes between employers and domestic servants. Labor attaches at various foreign embassies indicate that most disputes were settled in the employees' favor and were settled by allowing the worker to transfer sponsors. There are no employer sanctions; if there is physical or sexual abuse involved in the compliant, the matter is turned over to the police for investigation/prosecution under criminal statutes. There have been several reports that employers have successfully pressured police authorities to deport the worker prior to criminal charges being filed.

The labor law governs all private-sector employment outside the free trade zones with the exception of domestic servants. According to the Ministry of Labor, during the year approximately 2.7 million workers were registered with the Ministry, and were covered by the labor law. The Ministry estimated that there were approximately 100,000 persons working in the free trade zones, while 2004 International Monetary Fund (IMF) estimates show that approximately 264,000 persons worked

in government services, and more than 200,000 domestic servants. Although those working in government services were covered under a separate Civil Service law, the 200,000 as domestic servants were not covered under any labor law. Domestic servants and agricultural workers have always been considerably disadvantaged in negotiating employment contracts because the mandatory requirements contained in the labor law do not apply. They also faced considerable difficulty in obtaining assistance to resolve disputes with their employers. The law ties workers' residency permission to their sponsorship by their employer. Moreover, most employment contracts stipulate that for six 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 very severely restricted foreign worker labor mobility inside the country. In August the Ministry of Labor rescinded the six-month immigration ban for workers who change sponsors without a "no objection letter"; however, the Ministry still waits six months to issue a new work permit with a new sponsor unless the employee presents a letter of "no objection" from the former employer. A letter of no objection is not needed if an employee proves that the previous employer has violated his/her labor contract, such as a delay in payment. Fines were often substantial, and more importantly often involved having all transactions cancelled with the Ministry, which resulted in no new labor contracts during the year.

Businesses in the free trade zones do not have to comply with federal labor statutes since they are considered a "country within a country." In practice, however, the federal law serves as the guideline for any labor issues in the free trade zones. One difference is in paid holidays: federal law dictates a minimum of 21 days paid leave, while the free trade zone law provides for only seven days. The MOL did not regulate the free trade zones; instead, each free trade zone maintains its own labor department. These free zone labor departments, although private, act as the Government regulating body for free zone labor operations.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor for both adults and children; however, employment agents continued to bring some foreign workers to the country to work under forced or compulsory conditions. Women were brought to the country under false promises of legitimate employment and were instead forced into prostitution (see section 5). Low-paid unskilled and semi-skilled workers were also victims of contract switching, which occurs when a worker is offered a certain position, often secretarial, but, for example, then receives a visa labor card to work as a domestic servant instead.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law prohibits employment of persons under the age of 15 and has special provisions for employing persons 15 to 18 years of age. The Ministry of Labor is responsible for enforcing the 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 employed by that same employer. During the year the Government carried out extensive efforts to end the practice of trafficking in young foreign boys as camel jockeys.

e. Acceptable Conditions of Work.—The Government does not impose a minimum wage or have minimum wage guidelines and most of the workforce does not earn compensation sufficient to provide a decent standard of living for a worker and a family.

Ministry of Labor officials are required to inspect all contracts covered by the labor law in order to ensure compliance with legally required benefits, allowances, and time of payments. Officials do not approve any labor contracts that stipulate "substandard wages." Salaries depended on the occupation and employer and ranged from $109 (400 dirhams) per month for domestic or agricultural workers to $164 (600 dirhams) per month for construction workers to much higher salaries for highly skilled and white-collar employees. Compensation packages generally provided housing or housing allowances; however, low-skilled employees were often provided with substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic "labor camps," often lacking electricity, potable water, and adequate cooking and bathing facilities. Some low-paid workers did not receive these benefits, even if stipulated in their contracts. Local newspapers detailed numerous cases of non-payment of wages to foreign workers.(see section 6.b.).

Most foreign workers do not earn the minimum salary required in order to obtain residency permits for their families. 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.

Noncitizens comprised approximately 98 percent of the private sector workforce. According to the Ministry of Labor, the country was a destination for a large number of unskilled workers, including reportedly as many as 300,000 domestic servants, most of them women from South and East Asia, and a much larger number of unskilled male workers from South Asia. These unskilled laborers actively competed for jobs in the country, and were subject to poor working conditions. Female domestic servants sometimes faced abusive working conditions.

The standard workday is eight hours per day, and the standard workweek is six days per week; however, these standards were not enforced. There was no legal provision requiring premium pay for overtime, nor was there a prohibition on excessive compulsory overtime. According to the Ministry of Labor and the labor law, employees are entitled to two 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.

In 2005 the Ministry of Labor began inspecting construction and outdoor worksites and identified at least 15 companies (of 80 inspected) that failed to enforce the break. These companies faced fines of $2,700 (10,000 dirhams) for the first offense and were prohibited from sponsoring any new workers. Throughout the summer the press reported several companies that were fined for violating the mid-day break. The Ministry of Labor did not provide any further details. According to the press, failure to comply with any ministry regulation results in all of a company's transactions with the ministry being halted until the company is in compliance. During the year, however, there were no reported examples of sponsorship being cancelled based upon unlawful labor practices. Workers may file complaints with the Ministry of Labor if these laws are not obeyed; the ministry reported that workers did file complaints during the year. In Dubai emirate, several construction workers died during the year from heatstroke. Human Rights Watch stated that in 2004, 34 workers died at worksites and that 880 construction workers' bodies were returned to their home countries, according to the Indian, Pakistani, and Bangladeshi embassies.

In 2005 the Ministry of Labor received 17,360 complaints during the year. The majority of complaints concerned unpaid wages. In 2004 the media reported an estimate by unidentified municipal sources of a 61 percent increase in construction site accidents during the year, rising to 149 accidents.

In 2005 the number of inspectors in the labor division of the Ministry of Labor and Social Affairs substantially decreased after many of the inspectors resigned. Although inspectors attempted to enforce health and safety regulations, there were insufficient inspectors and resources to adequately enforce occupational health and safety codes in each emirate; during the year there were 80 inspectors. There were frequently reports in the press of cases of workers who were killed on the job site as a result of inadequate safety measures. Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. However, the Ministry of Labor can force employers to reinstate workers who were dismissed for refusing to perform unsafe work. Injured workers are entitled to fair compensation, and all workers have the right to lodge labor-related grievances with the Ministry of Labor, which mediates the dispute between the parties. Either party has the right to end mediation at any time and have the complaint referred to the Court of First Instance. Workers, particularly unskilled workers, in disputes with their employers over unpaid wages, generally agree to a mediated settlement for less money than they are 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.

Domestic employees' contracts are regulated by the Ministry of Interior. Some employers abused domestic workers by imposing excessive work hours; nonpayment of wages; verbal, physical, and sexual abuse; and restriction of movement. During the year the Government convicted at least seven persons in separate cases involving abuse of domestic workers.

Domestic workers may file complaints with the Ministry of Interior or go to court, but they were likely to be fined or countercharged with theft by their employers and deported. During the year the ministry took action against hundreds of employers who abused or failed to pay their domestic employees. According to new regulations, ministry officials can ban an employer from further sponsorship of domestic employees after receiving four reports of abuse.

Under the law, all workers who enter the country on a labor permit are limited in the number of times that they may change employers under that permit. The new regulations allow foreign workers holding graduate or professional degrees to transfer jobs after one year, with no limit on the number of times that they can change employers. Foreign workers holding bachelor's degrees are allowed to change em-

ployment after two years, with a maximum of two transfers. Foreign workers and laborers without university degrees are permitted to change employment after three years (allowing the employer more time to benefit from training given to the unskilled laborers), but only once. In each case, leaving the country for six months and filing for a new labor permit restarts the process.

All workers wishing to change employment must either complete their existing contract, provide a valid reason to dispute their existing contract (such as the nonpayment of wages for at least two months), or obtain a letter of "no objection" from their current employer. Any worker not meeting one of these three criteria must leave the country for at least six months and apply for a new work permit before changing employers. Fees for changing sponsorship range from approximately $400 (1,500 dirhams) to $1,350 (5,000 dirhams), with the higher fees charged for unskilled laborers to change employers. The law requires the employer to pay this fee, but in practice the employer usually requires the employee to pay the fee, which can be prohibitive for low-wage earners.

On February 1, additional changes to the sponsorship law offered domestics workers the opportunity to change sponsors without facing a one-year work ban upon either completion of their contract or with an employer's letter of "no objection." These rules are implemented by the Ministry of Interior.

The Ministry of Labor fines companies approximately $1,400 (5,000 dirhams) per year for each labor card that is expired. Failure to comply with this regulation results in a cessation of all transactions with the ministry. A ministry official reported that employers often forced workers to pay the fine for an expired labor card and the fee for a new labor card, under threats of reprisals, including a cancellation of their sponsorship.

Employers historically have held their employees' passports, thus preventing them from leaving the country without prior permission. In 2003 the Federal Supreme Court ruled that employers could not legally withhold employees' passports because they were personal documents (see section 5). The Ministry of Labor distributed pamphlets, in both English and Arabic, to foreign workers advising them to report employers who violated this regulation. However, withholding passports from employees was still widely practiced. There have been no recent or consistent attempts by the Ministries of Labor or Interior to enforce the regulation.

The law requires that employers provide employees with a safe work 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, and that employers provide safety helmets and adjust work hours to reduce exposure to the sun. In 2005 the Ministry of Labor announced a decree requiring a four-hour midday break (12:30 p.m. to 4:30 p.m.) for outdoor laborers during July and August, the hottest months of the year. The break was reduced to two and one-half hours, from 12:30 p.m. to 3:00 p.m.

The Government did not uniformly enforce health and safety standards, or require every large industrial enterprise to employ a certified occupational safety officer.

YEMEN

Yemen, with a population of approximately 21 million, is a republic under the leadership of President Ali Abdullah Saleh since 1978. The law provides that the President be elected by popular vote from among at least two candidates endorsed by parliament. On September 20, citizens re-elected President Saleh to another seven-year term in a generally open and competitive election, although there were multiple problems with the voting process and use of state resources on behalf of the ruling party. 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 (GPC) dominates the government. There were a few instances in which elements of the security forces acted independently of government authority.

Significant human rights problems existed in some areas, such as limitations on citizens' ability to change their government due to corruption, fraudulent voter registration, and administrative weakness. Torture and poor prison conditions existed in some prisons. Prolonged pre-trial detention and judicial weakness and corruption were also problems. There were some limitations on press freedom. Pervasive corruption within the government, discrimination against women, and instances of child labor and child trafficking occurred.

The government took several steps to reduce corruption, including removing and investigating several judges accused of malfeasance, passing a financial disclosure law for government officials, and establishing an independent anticorruption authority with civil society representatives.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report of the government committing an arbitrary or unlawful killing during the year. There were no politically motivated killings by the government or its agents; however, security forces reportedly killed or injured suspects during apprehensions.

On September 28, traffic police officer Mohamed Said Abdu reportedly died in Al-Ghaida (Mahra governorate) prison as a result of torture, according to family members. He was arrested on September 25 for allegedly consuming alcohol. At year's end, the results of the government's investigation into the death had not been made public.

Throughout the year intermittent and limited clashes between rebels and government troops in the governorate of Sa'ada continued. No estimates of rebels, security forces, and civilians killed in conflicts in Sa'ada during the year were available at year's end, but government and independent observers indicated that the number was well below 2005 levels (see section 1.g.).

Unlike in the previous year, there were no killings by security forces during demonstrations.

On July 17, armed men murdered Abed al-Osaily, a journalist from the newspaper Al-Nahar, after he wrote an article critical of local officials' handling of a water project in the village of Belad al-Qabael. Authorities reportedly attempted to arrest the suspects, but failed after the individuals found refuge with a local official. There were no developments by year's end.

Several killings were reported surrounding the September 20 Presidential and local council elections. On August 23, three people killed each other in Al-Jawf province during an argument between a ruling party local council candidate, an individual who wanted to take that candidate's place on the ballot, and an election official, who was a member of an opposition party. On August 28, unknown assailants in Lahij killed the campaign manager of independent Presidential candidate Ahmed al-Majidi. There were several confirmed reports of violence and fatalities on election day in the provinces of al-Jawf and Dhamar between elections officials and party supporters. There were no reports of widespread violence by government officials, security forces, or party supporters. At year's end no results of the government's investigation into any of the killings had been made public.

Tribal violence resulted in a number of killings and other abuses, and the government's ability to control tribal elements remained limited (see section 5). In several caseslong-standing 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. Although some may have had criminal, religious or political motives, most appeared to involve tribal revenge or land disputes.

On November 24, 34 defendants were convicted on charges stemming from the March and April 2005 Sana'a grenade attacks that killed five civilians and injured 28 others. Three other defendants were found not guilty. Reportedly, followers of the Shabab movement retaliated for government actions in Sa'ada.

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 a particular grievance.

On January 1, five Italian tourists were kidnapped by tribesmen in Marib governorate and were released six days later after security forces surrounded the kidnappers' compound. On September 10, four French tourists were kidnapped by tribesmen while touring Shebwa governorate and released several weeks later following negotiations. In both cases captors demanded that the government release imprisoned fellow tribal members.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, members of the Political Security Office (PSO) and Ministry of Interior (MOI) police forces tortured and abused persons in detention. Authorities 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.

The government acknowledged that torture occurred; however, it claimed that torture was not official policy and that no complaints of torture occurred during the year. Lack of training among police, corruption, and pressure from superiors to produce convictions usually played a role in cases where there was torture.

During the year torture continued to remain a problem in PSO prisons, which were not systematically monitored by other government agencies. There were credible reports pointing to a preferred use of nonphysical methods, such as sleep deprivation and threats of sexual assault, as the primary form of abuse in PSO prisons. There were reports that the MOI's Criminal Investigative Department (CID) routinely used torture to obtain confessions. Defense attorneys and some human rights nongovernmental organizations (NGOs) claimed that most confessions introduced as evidence against defendants in criminal courts were obtained through torture. Local NGOs claimed 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 mid-April a military officer serving in Marib governorate was convicted in a military court for torturing a soldier under his command.

On July 12, seven Taiz police officers who were on trial for the severe torture of a juvenile murder suspect in 2004, were tried and acquitted of all charges.

There was no further information on the 2005 cases of seven police officers who were referred to the courts for prosecution on charges of torture.

In September 2005 two MOI officers were put on trial for the 1999 torture-induced death of an Aden bombing suspect. There was no further information on this case at year's end.

During the year the government took new initiatives to curb torture in MOI prisons. For example, the Ministry of Human Rights (MHR) sponsored a group of lawyers, human rights activists, and NGO representatives to tour MOI prisons across the country. On July 19, the group released a report saying they found no instances of torture. The report also contained recommendations to improve general prison conditions.

During the year the government trained over 300 MOI officers on the illegality of torture.

Security forces reportedly beat detainees in prison during the year. On July 31, an international human rights group reported that security forces allegedly beat Somali national Mohammed Abdel Qadir, apparently for refusing to provide information about Associated Press (AP) journalists in the country. In June authorities released Qadir, who worked as a security guard at the AP office in Sana'a, from the political security detention center in Sana'a, where he was detained since August 2005.

In February 2005 CID forces investigating a theft case in Dhamar governorate arrested five suspects who were reportedly beaten during interrogation; four suspects were released. One suspect confessed to the crime and was referred to the Attorney General's office for prosecution. At year's end no further information on this case was available.

Prison and Detention Center Conditions.—Although some observers noted improvements in MOI prison conditions during the year, local and international observers reported that prison conditions remained poor and did not meet internationally recognized standards. Although 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.

Many prisons, particularly in rural areas, were overcrowded with poor sanitary conditions, and inadequate food and health care. In some cases prison authorities exacted bribes from prisoners to obtain privileges or refused to release prisoners who completed their sentences until family members paid them. There was one alleged death in prison due to torture (see section 1.a.).

Although women were held separately from men, and conditions were equally poor in women's prisons, their 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 their 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, remained a problem. 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. In some instances authorities arrested without charge persons with mental illness and placed them in prisons with criminals. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the NGO Red Crescent semiautonomous units for prisoners with mental illnesses; conditions in these units were reportedly deficient.

Although limited access was granted to family members of PSO-held detainees, requests for access by parliamentarians and NGOs were routinely denied. Access to MOI prisons was at times permitted, although parliamentarians and NGOs complained that it was subject to several limitations. At times the government met with domestic NGO monitors and responded to inquiries, particularly in matters relating to prisoners. NGOs reported difficulty in gaining access to central security prisons to investigate human rights violation claims; however, individuals working for NGOs were allowed to meet with prisoners as private visitors. NGOs had no access to PSO and CID prisons. In 2004 the International Committee of the Red Cross (ICRC) suspended a second round of visitations to PSO prisons citing a lack of understanding of its universally applied procedures; visits to MOI or PSO prisons had not resumed by year's end.

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 security offenses.

Role of the Police and Security Apparatus.—The primary state security and intelligence gathering apparatus, PSO, and the National Security Bureau (NSB) reported directly to the President. Many of NSB's duties were not clearly delineated and appeared to overlap with the PSO. The police CID reported to the MOI and conducted most criminal investigations and arrests. The Central Security Organization, also a part of the MOI, maintained a paramilitary force. Corruption was a serious problem, and there were no government investigations of police corruption during the year. Some police stations reportedly maintained an "internal affairs" section to investigate abuses, and any citizen had the right to raise an abuse case with the prosecutor's office. Enforcement of the law and effective investigations were irregular.

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 seven 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, on October 9, according to international human rights organizations, authorities arrested human rights defender Ali al-Dailami while he was traveling to Denmark to participate in a human rights event. On November 6, al-Dailami was released from a PSO facility, where he claimed he was tortured by security officials.

The law prohibits incommunicado detention and provides detainees with the right to inform their families of their arrests and to decline answering 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 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 (see section 2.b.). Members of the security forces continued to arrest or simply detain persons for varying periods of time without charge, notification to their families, or hearing. Detainees were often unaware of which agency was investigating them, and the agencies themselves frequently complicated the situation by unofficially transferring custodial authority of individuals to other agencies. Security forces routinely detained relatives of fugitives while the suspect was being sought (see section 1.f.).

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. Unauthorized private prisons also existed (see section 1.c.).

According to local NGOs, in March, following a Presidential commutation of sentences, the government released virtually all al-Houthi supporters, except for 36 persons on trial at year's end. Unlike in the previous year, there were no reports that security forces arrested hundreds of al-Houthi supporters and detained them without charge.

There were no new developments in the April 2005 arrests of 22-year-old Munif Damesh and his 50-year-old uncle Naif Damesh. Both men were arrested and detained in April 2005 while working for two foreign journalists.

Members of the security forces continued to detain journalists for publishing articles or cartoons deemed controversial by the government (see section 2.a.).

According to the European Union Election Observation Mission, approximately 100 opposition supporters and two opposition candidates were arrested during the September election campaign.

During the year the government also continued to detain suspects accused of links to terrorism, but reportedly released a majority of those individuals before the September 20 elections. The government did not publish numbers of detainees held under suspicion of terrorist affiliations or activities. On February 15, the MOI reported that 172 individuals were being held for suspected terrorism links, while NGOs in 2005 estimated that the number was between 200 and 300 persons. At year's end it was unknown how many people the government was holding 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.

In March, according to media reports, the government released Muhammed Bashmilah, Salah Ali Qaru, and Muhammed al-Assad without charges. All three citizens were arrested in 2003 on charges linked to terrorism.

On July 8, according to media reports, 19 individuals were acquitted on charges of planning attacks against foreign interests in the country. The 14 citizens and five Saudis were arrested in early 2005.

On October 16, security authorities arrested eight noncitizens in an alleged Al-Qai'da plot to smuggle weapons into Somalia. Seven individuals were released by the end of the year, while one individual remained detained without charge at year's end.

At year's end there were no further developments in the August 2005 arrest of 15 men in the Abyan governorate and 45 men in Aden governorate for their alleged affiliations with Jihadist movements.

Throughout the year the government sponsored ideological dialogues led by Islamic scholars as part of a re-education program aimed at convincing detainees to renounce extremist beliefs. Detainees who agreed to these conditions were released. These efforts reportedly had limited success. According to a human rights NGO, some detainees who were released under this program were re-arrested during the year.

Amnesty.—In March the government released over 600 al-Houthi supporters (see section 1.a.) as part of a general commutation of sentences announced by President Saleh in September 2005. In December President Saleh released an additional 300 al-Houthi supporters.

On May 21, President Saleh pardoned two imams, Yahia Hussein al-Dailami, who had been sentenced to death, and Muhammed Ahmad Miftah, who had been sentenced to eight years imprisonment. The two were originally convicted in May 2005 of establishing contacts with Iran to harm Yemen. The two men publicly opposed the government's action in Sa'ada and formed the Sana'a Youth Organization, a Zaydi religious-based group that supported Houthism. Both men maintained that they only advocated peaceful dissent against government action in Sa'ada.

According to press reports, President Saleh granted a general amnesty and released 1,364 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, the judiciary was weak and severely hampered by corruption and executive branch interference. The government implemented a number of judicial reforms throughout the year, including removing the President on June 14 as head of the Supreme Judicial Council (SJC), the body charged with administering the judiciary. In February the new Minister of Justice retired or terminated the employment of a number of judges that the SJC deemed ineffective. New judges were hired or promoted into positions at all levels of the judiciary, including the Supreme Court. In mid-August the SJC referred 10 judges to

the Attorney General on suspicion of corruption. On September 16, for the first time, a woman was named to the Supreme Court.

During the year the UN Development Program (UNDP), in conjunction with the Ministry of Justice (MOJ), expanded its model penal court program to eight courts of appeal across the country. These courts, which abided by higher standards of accountability and transparency than normal courts, were designed to provide greater access to under-represented groups such as women and the poor (see section 5).

Many litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced the verdict. Many judges were poorly trained; 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 manner of 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 special court exists to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a "public danger," such as banditry and sabotage (see section 1.b.). This court provides the defendants with the same rights provided in the regular courts, but were more efficient and effective in enforcing those rights than regular courts. There are no military or security tribunals that try civilians.

Trial Procedures.—All 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 (see section 5, Women). 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, this 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.

There were no reports of prosecutors being dismissed for violating the law.

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, if any, was unclear, and human rights activists were unable to provide data on political prisoners or detainees.

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 the National Organization for Defending Rights and Freedoms (NODRF) filed the first ever civil suit against the President on behalf of Ahmad Ali bin Maeili, who claimed the PSO detained him without charge for six years. There was no further information on the case by year's end.

In December Hamdan al-Derssi attempted to file a civil case against Saleh al-Fasheq, a prominent local sheikh, in a Hodeida court, claiming that al-Fasheq tortured and sodomized him with a stick. Derssi claimed that the court rejected the case because the sheikh is politically well-connected. Dersi then filed a complaint with the General Prosecutor in Sana'a. The General Prosecutor had not taken any action by 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 telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Activities were conducted without legally issued warrants or judicial supervision. PSO and MOI police forces routinely detained relatives of suspects while the suspect was being sought (see section 1.d.).

The government claimed that it did not monitor Internet usage; however, the government occasionally blocked political Web sites and those it deemed to be sexually explicit (see section 2.a.).

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 (see section 5), 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 was commonly used to settle such cases.

g. Use of Excessive Force and Other Abuses in Internal and External Conflicts.—Throughout the year there were intermittent and limited clashes between rebels and government troops in the Sa'ada governorate. The armed rebellion with separatist tendencies was led by the Shabab al Moumineen (the Believing Youth), a movement that follows the teachings of Zaydi (Shiite) cleric Hussein Badr Eddine al Houthi, who was killed by security forces in 2004. Following the government's release in March of over 600 al-Houthi supporters who had been detained in 2004 and 2005 (see section 1.d.), there were a few small-scale skirmishes throughout the remainder of the year. Throughout the year the government began allowing aid organizations into the region to assist with rebuilding and resettlement efforts. No estimates of rebels, security forces, and civilians killed in conflicts in Sa'ada during the year were available at year's end, but government and independent observers indicated that the number was well below the levels of 2005, when an estimated 500 to 800 troops, 600 rebels, and 100 civilians were killed. Some opposition media and political leaders claimed that the government used excessive force in suppressing the rebellion.

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.

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. There were eight government controlled, 41 independent, and 30 party-affiliated newspapers. There were approximately 90 magazines of which 45 were private, 27 were government-controlled, and 18 were party-affiliated. The government selected the items to be covered in news broadcasts, and it often did not permit broadcasts critical of the government. The government televised parliamen-

tary debates and occasionally permitted broadcasts of aggressive criticism of ministries. During the Presidential and local council campaigns prior to the September 20 elections (see section 3), the government-controlled broadcast media generally provided equal, largely unedited coverage to opposition and independent Presidential candidates; however, observers recorded various violations of media freedom, including Internet censorship, biased media coverage, and government interference with media.

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 no reports of registrations being denied during the year. However, there were reports in 2005 that the government did not act on the license applications of at least two independent newspapers.

While physical attacks against journalists decreased during the year, government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance continued.

On February 7, several journalists, including reporters and cameramen from Al-Jazeera and Al-Arabiya, were briefly detained by security forces while attempting to report on the February escape of 23 suspected Al-Qai'da supporters from a PSO prison.

According to the Committee to Protect Journalists (CPJ), authorities continued to harass and intimidate Editor-in-Chief Jamal Amer of the independent Al-Wasat newspaper. On April 10, while Amer was traveling out of the country, a known political security officer and four other men asked Amer's neighbors for personal information on Amer and his family.

Although the MOI promised to investigate the matter, there were no new developments by year's end into Amer's August 2005 abduction by unidentified persons reportedly linked to security forces. During his abduction Amer was beaten, urinated on, interrogated about his contacts with foreign embassies, and threatened with death if he continued writing articles critical of the government. The attack came after Al-Wasat published an article on government scholarships being routed to government officials' children. Military sources publicly denied involvement in the abduction.

On June 29, several singers and music sellers reported being briefly detained by security officials for distributing audio tapes that contained songs that were critical of the government.

In mid-September opposition media reported that cassette tapes with songs and speeches critical of the ruling party were banned, while similar progovernment cassettes were sold.

On October 10, according to media reports, member of Parliament (MP) Hamid bin Hussein al-Ahmar threatened Ali Hassan al-Shater, editor-in-chief of the 26 September weekly, for publishing an allegedly insulting poem in his newspaper. On December 14, according to media reports, al-Ahmar and al-Shater agreed to settle the dispute out of court.

On November 28, a MOI officer attacked Al-Jazeera television correspondent Ahmad al-Shalafi in Sana'a. Security forces briefly detained Shalafi, along with his cameraman Ali al-Baidhani, in December 2005 while they were filming a protest by employees of a public textile company. The ministry had not conducted any investigations into the attack by year's end.

Other unidentified parties were also responsible for press harassment. On March 11, several unknown assailants abducted and assaulted Qaed al-Tairi, journalist for the Socialist Party weekly Al-Thawri, allegedly due to his February 26 and March 8 comments at conferences advocating the right of women to run in the country's elections. According to al-Tairi, the assailants threatened him with further violence and warned they would kidnap members of his family. Al-Tairi filed a police report and awaited results at year's end.

According to CPJ, journalist Abdulfatah al-Hakimi suffered respiratory problems after an early April attack in which two unidentified men sprayed him with gas through his car window. He was taken to a hospital in Aden, where he remained for more than a week. Al-Hakimi, who was deputy editor of the state-controlled daily 14 October, was fired last year after his writings became more critical of the authorities.

Abed al-Mahthari, editor-in-chief of the independent weekly Al-Deyar, reported to CPJ that he was targeted on April 19 by suspected weapons traffickers in Sa'ada. Al-Mahthari had investigated weapons trafficking in the past and allegedly received several death threats. Al-Mahtari filed a police report and awaited results at year's end.

There were no new developments in the case of opposition journalist Nabil Sabaie. In November 2005 Sabaie was stabbed in both shoulders by armed men on a main street of the capital. A MOI official attributed the attack to criminals attempting to steal Sabaie's cell phone.

There were no new developments in the case of journalist Muhammed Sadiq al-Odaini. In December 2005 al-Odaini was attacked by armed men near his house in the capital and held hostage in his house until early morning of the next day. Security forces did not arrive until the day after the perpetrators had gone. A MOI source attributed the attack to al-Odaini's landlord; Odaini had refused to leave his apartment.

In 2005 in an attempt to counter dissent, elements close to the government or security apparatus cloned two newspapers, Al-Shura and Al-Thawri, by publishing newspapers with similar names, fonts, and colors as the targeted newspapers, but that carried more progovernment editorials and stories. The Al-Thawri clone ceased publication in 2005 after several weeks, but the Al-Shoura clone continued publishing at year's end.

Journalists were tried and sentenced for writing articles critical of the President or for reporting on sensitive issues. On February 6, 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 any thing that "prejudices the Islamic faith." On November 25, a lower court convicted Kamal al-Olufi of Al-Rai al-Am and sentenced him to a one-year prison term, closed the paper for six months, and barred him from writing for six months. On December 6, Mohammed al-Assadi, editor of the Yemen Observer, was convicted and fined approximately $2,500 (500,000 riyals). On December 13, a lower court convicted two journalists from Al-Hurriya, Akram Sabra and Yehya al-Abed, who received a suspended sentence, one month closure of the newspaper, and a one month writing ban. At year's end all three cases were being appealed.

According to CPJ, on July 20, a Sana'a court ordered the opposition weekly Al-Wahdawi to pay $2,550 (500,000 riyals) in compensation to the Ministry of Defense, fined the paper $255 (50,000 riyals), and banned editor in chief Ali al-Saqqaf from practicing journalism for six months. The case against Al-Wahdawi stemmed from an August 2005 article alleging misdemeanors by members of the Republican Guard in seizing land in Dhamar Province. The Ministry of Defense, which brought the case against Al-Wahdawi, accused the newspaper of revealing military secrets.

Throughout the year, Al-Thawri and/or its editor in chief, Khalid Salman, were defendants in over 14 ongoing civil suits. The paper published a series of articles critical of corruption and the President. On February 15, Al-Thawri journalist Mustapha Bedir was fined approximately $750 (150,000 riyals) for an article on alleged corruption in the national air force. In 2005 more than 12 cases were lodged against Al-Thawri and/or Khalid Salman, and in November 2005 a Taiz court fined the paper $3,800 (750,000 riyals) for libeling a Taiz city finance director.

By year's end the government had not followed through on its 2004 pledge to prosecute journalists whom it deemed supportive of the rebel cleric al Houthi.

The Yemeni Journalists Syndicate (YJS) defended freedom of the press and publicized human rights concerns. The YJS was vocal in condemning recent government actions that closed several publications and imprisoned journalists. Women Journalists Without Chains also publicly supported human rights and press freedoms.

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. In 2005 publishers were banned from distributing some books that espoused Zaydi-Shiite Islamic doctrine (followed by approximately 30 percent of the population and of which al-Houthi was a follower) 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 sites and Web sites deemed immoral (see section 1.f.). According to local human rights observers, the government blocked some Web sites during the Presidential and local council campaigns prior to the September 20 elections. The government limited what Internet content 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. 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. Internet access was readily available from homes or Internet cafes.

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. In August 2005 the President of Sana'a University forbade new student associations, citing a law forbidding campus partisanship. 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. For the first time opposition Presidential candidates were allowed to stage rallies across the country, many of which were attended by tens of thousands of supporters.

The government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence. In July the government rejected a request for a demonstration in Sa'ada province following Israeli attacks in Lebanon, reportedly for security reasons.

On August 7, the government "postponed" a protest march organized by the Yemeni Teacher's Union, reportedly for security reasons. On two occasions during the Presidential election campaign, the government denied the opposition use of the capital's largest parade ground, which was located near the Presidential palace, for campaign rallies. President Saleh however, staged several rallies on the same parade ground. The opposition also accused the government of blocking roads into provincial capitals where opposition candidates staged rallies.

In July 2005 riots protesting gas prices erupted after the government lifted fuel subsidies. The violence resulted in approximately 43 deaths and 471 injuries. Press reports asserted at least 23 civilians were killed, including a 12-year-old child. On July 23, the government reported that at least 255 security personnel and 120 protesters were injured. Parliament submitted an inquiry to the MOI on the shooting deaths of demonstrators. The investigation was pending at year's end.

In December 2005 one person was reportedly killed after MOI security personnel removed approximately 300 demonstrators who had been encamped in front of the Sana'a UN High Commissioner for Refugees (UNHCR) headquarters, demanding resettlement in third countries. Nine persons, four MOI security personnel, and five demonstrators were injured during the resulting violence. In November 2005 MOI security forces injured one female protester in clashes with the demonstrators. There was no additional information at year's end.

In 2004 a member of the security forces shot into a crowd of protesters in front of an Aden court. One person was killed and another wounded. The protesters were monitoring the trial of a member of an intelligence agency who was accused of murder. Police claimed that the crowd was out of control. A fact finding committee was set up to investigate the incident the same week. There was no further action on the incident by 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 and NGOs by influencing internal elections and subsidies (see section 6.b.). According to local observers, there were approximately 20 NGOs independent of the ruling party operating in the country.

An association or NGO must register annually, usually a routine matter, with one of four ministries: Labor and Social Affairs (MLSA), Culture, Education, or Vocational Training and Technical Education.

The government cooperated to some extent with legally recognized NGOs, which by law were provided with an annual stipend. Some NGO professionals claimed that NGOs that did not agree with government policy were subject to different registration and funding criteria than those deemed loyal by the ruling GPC party leadership.

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 (see section 3).

c. Freedom of Religion.—The law provides for freedom of religion, and the government generally respected this right in practice; however, there were some restric-

tions. 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 June 2004 and March 2005 uprisings by the Shabab al-Moumineen (the Believing Youth) in the northern governorate of Sa'ada and the ensuing attacks against government officials in the capital. The government banned for the second consecutive year the celebration of Ghadeer Day, a holiday celebrated by some Shi'a, in parts of the Sa'ada Governorate.

The government also reportedly limited the hours that mosques were permitted to be open to the public, reassigned some Imams who were thought to espouse radical or Zaydi doctrine, and increased surveillance and detention of members of the Shabab.

Followers of religions other than Islam 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, and 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, during the year there were reports of persons being harassed and temporarily detained for possession of religious materials with the intent to proselytize.

Catholic, Protestant, and Ethiopian Orthodox Christians 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.

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. By year's end the government closed over 3,000 unlicensed religious schools deemed to have deviated from formal educational requirements or promoted militant ideology. During the year the Ministry of Religious Affairs reportedly opened government-sanctioned schools in the same areas as the schools that had been closed. Private and national schools were prohibited from teaching courses outside of the officially approved curriculum.

The government also deported foreign students found studying in unlicensed religious schools. In May the Ministry of Endowments and Religious Guidance trained 500 male and female religious instructors on moderate Islam and religious tolerance. There were credible reports authorities banned publishing of some materials that promoted Zaydi-Shiite Islam (see section 2.a.).

Shari'a based law and social customs discriminated against women (see section 5).

Societal Abuses and Discrimination.—Unlike in the previous year, there were no reported incidents of anti-Semitism. Jewish children in the town of Raidah usually rode to school in a covered truck to protect them from stones thrown by villagers.

Jewish citizens, only a few hundred of which remained in the country, were socially banned from certain occupations, allowed to live in only certain parts of towns, and were legally forbidden to serve in the military or 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 (see section 3).

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, Repatriation, and Exile.—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 domestic 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 upon a husband's or male relative's request 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 the government did not use it.

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 UN 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 they feared persecution. In December however, the government stopped its practice of allowing 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 throughout the year to register and provide greater legal protection to refugees. There were credible reports of isolated incidents of harassment and abuse by security forces at a Somali refugee camp. UNHCR reported the incidents to the government, but no action was taken by year's end. At times authorities arrested without charge and imprisoned an unknown number of undocumented refugees while their cases were pending with UNHCR (see section 2.d.). 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 (Council of Ministers), chosen by the President. 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 local and international observers, the September 20 Presidential and local council elections were considered open and genuinely competitive, and an 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 President to a seven year term in the country's second nationwide direct Presidential election on September 20, securing 77 percent

of the votes. According to the constitution, Saleh may not run for a third term in office. Faisal bin Shamlan, candidate of the opposition coalition Joint Meetings Party (JMP), gained 22 percent. The remaining three opposition and independent candidates each had less than one percent each. According to the Supreme Commission on Elections and Referenda (SCER), approximately 65 percent of eligible voters participated in the elections, of which approximately 42 percent 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 European Union 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 was marred by poorly trained administrative staff, registration of a large number of underage voters, and interference by security officials. The NGO also 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.

On June 18, 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 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. Opposition and independent observers noted 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. On August 24, one election official (who was 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, the SCER had not yet determined if the official was killed for election-related reasons.

On August 29, the campaign manager of independent candidate Ahmed al-Majidi was killed in Lahij (see section 1.a.), 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 murder had been made public. There were no reports that government security agents killed anyone for election-related reasons either before or after election day.

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 could 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 was the dominant party since unification of the country and controlled 238 of the 301 seats in parliament, which was elected in 2003. Islah is the only other significant party, and it controlled 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 May 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.

Although women voted and held office, cultural norms rooted in tradition and religious interpretation often limited their exercise of these rights. Although the number of women in government and politics increased since 2005, it did not correspond to their percentage of the population (see section 5). 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 in the campaign prior to the September elections. In the September 20 elections, 164 women ran for and 38 won seats on local and provincial councils.

Many Akhdam, a small ethnic minority descended from east Africans, did not participate in the political process due to socioeconomic factors. 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.—There is a widespread perception of corruption in every branch and level of government. Government officials and parliamentarians alike were presumed to benefit from insider arrangements and embezzlement. Procurement was a regular source of corruption in the executive branch. In March 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, which resulted 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 COCA's consideration. COCA's reports were rendered to the parliament but were not made accessible to the general public. Only low-ranking officials had 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.

Unlike in 2005 when parliament challenged the executive for the first time on a number of high-profile corruption cases, during the year parliament did not challenge the executive on allegations of corruption. No legal or legislative action resulted from parliamentary inquiries in 2005.

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.

On December 9, in an effort to combat corruption, MPs, the government, and foreign diplomats met at a symposium in Sana'a to discuss the government's progress in fighting corruption. The event aimed to raise awareness of corruption in the government and to develop serious political commitment to combat it.

On December 25, the President ratified an anticorruption law, creating an independent authority to investigate cases of official corruption. The new authority will be headed by a council of government, civil society, and private sector representatives.

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. On August 19, parliament passed a law requiring public disclosure of government officials' assets, but it had not yet been implemented by year's end. The government provided limited information on Internet sites; however, few citizens had access to the Internet.

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

Domestic and international human rights groups generally operated with varying degrees of government cooperation and without government restriction. NGOs reported there was often a lack of response to their requests. 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.

Several domestic human rights NGOs operated throughout the year. Groups included the Human Rights Information and Training Center, the National Organization for Defending Rights and Freedoms, the Arab Foundation for Supporting Women and Juveniles, and the Civic Democratic Foundation. Although pro-government NGOs were supported by the government or ruling party, others were clearly supported by opposition parties or were fully independent.

A few NGOs practiced self censorship. Some ministries reportedly harassed NGOs critical of the government by delaying the procedures required for annual registration/licensing and through bureaucratic funding criteria (see section 2.b.). The government requires NGOs to register annually or be declared illegal. In some instances the government reportedly registered a pro-government "clone" version of an NGO, immediately 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 reportedly kept less than transparent records. Several NGOs reported being singled out as "agents of foreign powers" in pro-government 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 gave Amnesty International (AI), Human Rights Watch, the Parliament of the European Union, and the CPJ access to officials, records, refugee camps, and prisons (see section 1.c.). AI visited the country several times during the year. The ICRC maintained a resident representative to inspect prisons during the year, although access to PSO prisons was restricted. AI and Freedom House International published reports on the country's human rights record during 2005. The ICRC also issued a report on its 2005 activities in the country. In September the government responded to the AI report.

The MHR attempted to raise awareness of human rights via public information campaigns, training of human rights activists and security forces, and participation in numerous conferences.

The parliament's committee on human rights was largely inactive during the year.

The Consultative Council also had a committee on human rights, but it was largely inactive during the year.

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

The law provides for equal rights and equal opportunity for all citizens; however, discrimination based on race, gender, and disability existed. Entrenched cultural attitudes often limited women's ability to enjoy equal rights.

Women.—The law provides women with protection against violence; however, the law was rarely enforced. The government continued to support women's rights as exemplified by local law and the expansion of the public role of women. Although spousal abuse occurred, 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. A small shelter for battered women in Aden assisted victims, and telephone hot lines operated with moderate success in Aden and Sana'a.

The law criminalizes rape; however, it was a problem. The punishment for rape is imprisonment for up to 15 years; however, it was seldom imposed. The law does not address spousal rape.

The press, women's rights activists, and the MHR continued to investigate and report on violations of women's rights. During the year NGOs, in conjunction with each other and the MHR, sponsored several women's rights conferences dealing with

issues such as violence against women, increasing the political representation of women, and economic empowerment. In March the government-sponsored Women's National Committee (WNC) organized a conference to discuss implementation of recommendations made during a December 2005 regional conference on women's rights.

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. Legal provisions regarding violence against women state that an accused 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 a term of one year or less.

The law prohibits female genital mutilation (FGM); however, it was practiced to a limited degree. The prevalence of the practice varied substantially by region. Government health workers and officials actively discouraged the practice. The WNC and the Ministry of Religious Endowments created a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Prostitution is illegal; however, it was a problem. The punishment for prostitution is imprisonment of up to three years or a fine.

There are no laws prohibiting sexual harassment and it was a problem in the workplace.

Social custom and local interpretation of Shari'a discriminated against women. Men were permitted to take as many as four wives, although very few did so. 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 12 (see section 5, Children).

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 practical, social, and financial negative considerations.

Women who seek to travel abroad must customarily obtain permission from their husbands or fathers to receive a passport, and to travel (see section 2.d.). 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 two 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."

On September 16, the President appointed the first female judge to the Supreme Judicial Council. On March 21, the first woman was also admitted to the Higher Judicial Institute, which is responsible for training all newly appointed judges. Most female judges served in staff positions, in the Attorney General's office, and in the juvenile court system.

The President strongly encouraged women to vote and supported a special office to address gender equality in the electoral process. The government and NGOs held numerous conferences, workshops, and awareness campaigns to increase the role of women in political life. Throughout the year a number of NGOs trained prospective female candidates for local council seats on effective campaign strategies. The national elections commission and several NGOs also conducted voter awareness campaigns to encourage women to register and vote.

During the electoral process women served as election commissioners for the first time, overseeing the voter registration and polling process across the country. Three women announced their intention to run for President, but all withdrew their applications before the beginning of the official campaign season. There were credible reports of party officials intimidating women who attempted to run as independent candidates, after they did not secure their party's nomination.

According to 2003 government statistics, approximately 83 percent of women were illiterate, compared with approximately 43 percent of men. The high illiteracy rate had a significant effect on women's participation in the September 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 stagnation of the economy. According to the UNDP, 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 Ministry of Social Affairs and Labor there were over 170 NGOs working for women's advancement. On February 4, the Women's Forum for Research and Training held a regional conference with female academics to discuss barriers to women's full participation in society. The Arab Sister's Foundation worked regionally with women's groups to strengthen women's roles in local government. The Yemeni Women's Union conducted workshops for women on commercial and tax law.

Children.—While the government asserted its commitment to children's rights, it lacked the resources necessary 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. Public schooling was available to children through the secondary school level. Attendance was mandatory though the ninth grade; however, many children, especially girls, did not attend primary school. According to 2005 government statistics, average student attendance in primary schools was 81 percent for boys and 60 percent for girls.

The law provides for free medical care for citizen children; however, this was not always enforced. Malnutrition was common. According to 2005 UN 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.

FGM was performed in some instances (see section 5, Women).

Child marriage was a significant social 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 12 occurred. In 2005 UNICEF estimated that approximately 37 percent of citizen children under the age of 15 were married. According to the Ministry of Labor and Social Affairs, the government had not yet embarked on public awareness campaigns on the negative effects of child marriage due to the cultural sensitivity of the issue.

The law does not prohibit child abuse, and it was a problem; however, 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 four years of age worked in workshops, agriculture, or as street vendors (see section 6.d.).

Trafficking in Persons.—The law does not explicitly 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.

According to a local human rights NGO, it was possible that citizen women were trafficked from their homes to other regions within the country for the purposes of prostitution, including those under the age of legal consent. 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. Children were trafficked by individuals, other 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.

During the year the government increased its efforts to combat child trafficking. In June government and Saudi officials met for the first time to discuss combating child trafficking. The government, in cooperation with UNICEF and the International Organization for Migration, also trained border and airport officials to identify and prevent child trafficking. The MHR ran a hot line for persons to report child trafficking.

To combat child trafficking, the MLSA conducted a campaign in regions known as points of origin of trafficked children. The MLSA 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 MLSA, 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, 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 (see section 1.f.).

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 (GFWTUY), a national umbrella organization. The GFWTUY claimed approximately 350,000 members in 14 unions and 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 only be dissolved by court order or its own members; however, the government did not respect this right in practice. In 2004 the government unilaterally dissolved and seized the assets of the Sana'a Medical Association after its members elected a chairman associated with the opposition Islah party. Subsequently the government formed an alternative medical association and threatened former members with judicial action if they associated with the dissolved union. At year's end some association members continued attempts at reorganizing.

The law generally protects employees from antiunion 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 antiunion discrimination, to the MLSA. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the MLSA; it is composed of an employer representative and a GFWTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company. Neither GFWTUY nor the

MLSA 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. During the year two Central Bank employees sued the government for wrongful termination. The court ruled in favor of the employees, who were reinstated. The MLSA 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 36 peaceful strikes.

Throughout the year the Yemen Teachers Union staged a number of demonstrations and strikes demanding that the government adhere to the 2005 Salaries and Wages Strategy Law, which grants them higher salaries and allowances. During and after the strikes, schools' headmasters, allegedly instigated by the government, harassed and abused teachers to deter participation in strikes. Headmasters tried to prevent teachers from signing in to work during strike day, effectively blocking their pay for those days. The headmasters locked the teachers and students inside the school, preventing teachers from participating in the strikes. On June 4, one teacher involved in a worker's rights dispute with a headmistress of a school died when his home was intentionally burned down. His son, wife, and sister (both also teachers) were seriously injured. The headmistress' husband and son were accused and detained for setting the fire.

MSLA, aware of the problems encountered by the Teachers Union, did not interfere on their behalf when the union asked for assistance due to their unregistered status. According to the MSLA, the ministry's role is to monitor and give advice to unions.

Throughout August and December, the Yemeni Physicians and Pharmacists Syndicate (YPPS) staged a number of sit-ins in front of government offices, demanding higher wages. In March 2005 the YPPS staged a similar strike which was suspended after the government agreed to fulfill the demands of the syndicate within three months. According to the YPPS, the government had not followed through on its pledge by year's end.

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 nine years of compulsory education for children.

Child labor was common, especially in rural areas. 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 Labor was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement.

During the year the Ministry of 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. 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.

The Ministry of Labor 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 MSLA. MSLA has a Vocational Safety Department that relies on committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Many workers regularly were 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. According to government officials, these laws were generally respected in practice.

SOUTH CENTRAL ASIA

AFGHANISTAN

Afghanistan is an Islamic republic with a population of approximately 30 million. In October 2004 Hamid Karzai was elected President in the country's first Presidential election under its January 2004 constitution. In September 2005 the country held its first parliamentary elections in over two decades. While neither the Presidential nor the parliamentary elections fully met international standards for free and fair elections, citizens found the parliamentary elections to be credible and the Presidential elections acceptable.

Afghanistan's human rights record remained poor due to a deadly insurgency, weak central institutions, and the country's ongoing recovery from two-and-a-half decades of war. 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 Taliban and antigovernment elements continued to be responsible for threatening, robbing, attacking, and killing villagers, government officials, foreigners, and nongovernmental organization (NGO) workers. While the Government expanded its authority over provincial centers, a few areas remained under the control of regional commanders or the Taliban following insurgent offensives. During the year, over 1,400 civilians died as a result of terrorist activities, including suicide attacks, roadside bombs, and gun assassinations. There continued to be instances in which security and factional forces committed extrajudicial killings and torture. Human rights problems included: extrajudicial killings; torture; poor prison conditions; official impunity; prolonged pretrial detention; abuse of authority by regional commanders; restrictions on freedoms of press, religion, movement, and association; violence and societal discrimination against women, religious converts, and minorities; trafficking in persons; abuse of worker rights; and child labor.

The Government continued to develop and professionalize its army and police force. Increased monitoring of police by internal and external monitors helped to prevent abuses. Human rights training became a normal aspect of training and education for most police. Extensive reporting of human rights abuses led to increased arrests and prosecutions of abusers. The Government continued to make strides towards upholding human rights standards and took action to remove corrupt officials. In some areas of concern, even where there was commitment from the Government, resources restricted the ability to uphold those standards.

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 of politically motivated or extrajudicial killings by the Government or its agents.

In February inmates at Pol-e-Charkhi prison rioted for five days resulting in the death of six inmates and injuries to 44, according to the Afghanistan Independent Human Rights Commission (AIHRC); many reported that these were the result of excessive force on the part of Afghan Security Forces. There was no official investigation into the riot.

In September there was a death in custody in Ghazni province; an investigation was ongoing at year's end.

In November 2005 Kabul's Police Chief General Abdul Jamil Junbesh, allegedly tortured and killed a civilian named Hussain. In December 2005 police beat and killed a detainee at the Kabul police station. In both cases human rights activists characterized official investigations as ineffective and no formal charges were made. However, in June, the President removed Junbesh from office.

The shortage of effective and trained police, poor infrastructure and communications, instability, and insecurity hampered investigations of unlawful killings, bombings, and civilian deaths. There were no reliable estimates of the numbers involved.

Complaints of serious human rights violations committed by representatives of national security institutions, including arbitrary arrest, unconfirmed reports of torture, and illegal detention were numerous.

There were allegations that local commanders operated private prisons where they abused individuals in detention, in some cases resulting in their death (see section 1.c.).

There were no updates to the 2004 hanging of four alleged bandits in Farah, the 2004 killings of four detainees in Herat, or the 2004 investigation of the 17 bodies found at the Shindand market place.

In February police killed four protesters in Kabul and one in Maymana when demonstrations turned violent over satirical cartoons of the Prophet Mohammad.

Increased violence involving terrorists and insurgents, including Taliban, al-Qa'ida, and Hizb-e-Islami Gulbuddin, killed more civilians than in the previous year. Violence included an increasing number of terrorist attacks including suicide bombs, which killed civilians (see section 1.g.). Attacks on government security forces, international organizations, international aid workers and their local counterparts, and foreign interests and nationals increased during the year and prompted some organizations to leave areas of the country.

For most of the year insurgents appeared to be targeting Provincial Reconstruction Teams (PRTs) and construction crews, rather than NGOs, as a means to hamper reconstruction efforts and drive the international assistance community out of the country. Toward the end of the year, however, there was more evidence of direct threats and attacks on NGOs by insurgents.

Over a dozen Afghans and foreigners were beheaded by the Taliban for alleged "crimes" ranging from espionage to supporting the Karzai government (see section 1.g.). The Taliban also began to hold "court" in some areas and hand down its own sentences. In August the Taliban publicly executed a man for his alleged involvement in a murder case in Helmand province (see sections 1.g. and 4).

Government officials remained under attack by insurgents during the year with over a dozen losing their lives in numerous incidents (see section 1.g.).

The Ministry of Education (MOE) reported that a total of 54 teachers, students, or other school employees were killed during the year (see sections 1.g and 5, Children).

Religious figures also faced ongoing threats and violence. During the year the Taliban killed over 20 clerics, including over a dozen clerics in Kandahar alone. Suicide bombings around mosques occurred; for example, in September a suicide bomber detonated himself outside a mosque in Kandahar. In October and November 2005 five progovernment mullahs were killed for speaking publicly against the Taliban and al-Qa'ida (see section 2.c.).

Societal violence continued to be a problem with over 50 documented cases of "honor killings" during the year (see section 5). In December media outlets reported that villagers in Kunar province killed a boy and girl for having illicit sexual relations.

b. Disappearance.—Abductions and disappearances continued during the year. The Taliban, allied militias, and other unknown assailants continued to kidnap NGO and other development workers for political and criminal gain (see section 1.g.).

Italian journalist Gabriele Torsello was kidnapped on October 12 and released on November 3. It was not known if he was targeted due to being a journalist. According to the Committee to Protect Journalists (CPJ), his kidnappers originally demanded the return of Abdul Rahman from Italy in exchange for his release.

According to a UN High Commissioner for Refugees (UNHCR) Report, there were also a few documented cases of abduction of young boys for sexual exploitation by men.

In April 2005 members of the Taliban abducted and killed a British contractor.

There were no updates and none were expected in the 2004 abduction of an NGO driver or the abduction of many women and girls taken by the Taliban from 1998 to 2001.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports of abuses. For example, human rights organizations reported that local authorities in Herat, Helmand, Badakhshan, and other locations continued to routinely torture and abuse detainees. Torture and abuse consisted of pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy.

Violence and instability due to the insurgency hampered relief and reconstruction efforts in different parts of the country and led to numerous human rights abuses. NGOs reported that security forces continued to use excessive force during their fight against Taliban and al-Qa'ida remnants, including looting, beating, and torturing civilians.

Reports of abuse by local commanders continued in Faryab. Villagers in Kata Kala reported local commanders imprisoned and tortured them for 15 days to extort money. Some were beaten and others were locked in dark rooms for hours. Victims were also repeatedly threatened with death if they did not cooperate.

In Balkh province, residents alleged that local commanders were running private prisons to extort money. Abuse generally consisted of beatings, resulting in some cases in death.

In June in Balkh province, unknown assailants beat Member of Parliament Faizullah Zaki. There were many allegations that this attack was politically motivated; however, by the end of the year, there was no investigation into the attack.

In the fall, residents of the village of Galouch claimed that Afghan National Police (ANP) and Afghan National Army (ANA) soldiers seeking a local commander entered villagers' homes, were verbally abusive, and stole personal items from the residents (see section 1.f.).

There was no official investigation following the September 2005 Human Rights Watch (HRW) report that security forces arbitrarily detained civilians and committed cruel, inhumane, and degrading acts, a claim based on reports from family members of detained civilians and released detainees themselves.

There were no further developments in the 2005 alleged torture of Abdul Rahman by local authorities during his four-month detention (see section 2.c.). There were no developments in the 2005 UN report that a commander and former district governor severely beat a group of teachers and detained them in his private jail.

In August the Government announced it was considering the establishment of a Department for the Prevention of Vice and Promotion of Virtue within the Ministry of Religious Affairs (MRA). Under the Taliban an entity with the same name was a much feared organization known for its extremely harsh treatment of women. The proposal to establish a Vice and Virtue Department would require a Presidential decree, and at year's end, it rested in the President's office.

A local vice and virtue commission was established in Khost Province during Ramadan (see section 1.d.).

There were continued allegations of rape and sexual abuse in government detention although investigations did not result in charges. The AIHRC reported that in 2005 one woman was granted medical treatment after she was sexually exploited by police who provided the woman to men. In a separate incident, a young male prisoner was raped by other prisoners and two police officers.

According to UN reports, in some cases where there were no local detention facilities, women accused of crimes were reportedly placed in "private detention," sometimes in the house of the head of the village, where they were treated as prisoners and forced to work for the family. These women were sometimes forced into slave-like conditions outside the reach of the law and were reportedly subject to sexual and physical abuse (see section 5, Trafficking).

According to an AIHRC report, children who were in detention centers were exposed to sexual exploitation. According to the AIHRC, during the Pol-e-Charki prison riots, a prison official working in the women's wing of the prison raped one female inmate.

Several well-known commanders were rumored to be involved in the exploitation of young men; however, given cultural sensitivities these rumors were impossible to confirm. Several media outlets reported on the Taliban Rule Book this year. Rule 19 states, "Mujahideen 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 common practice among Taliban commanders.

As in other parts of the country, insurgents issued "night letters" issuing threats to foreigners, women employed by PRTs and other foreign organizations, as well as ANA and ANP officers around Ghazni City. There were also night letters issuing threats against the provincial director of education in Ghazni. Additionally, threats were issued against the directors of the provincial Departments of Women's Affairs in the provinces of Paktika, Kandahar, Helmand, Khost, Laghman, Kapisa, Wardak, and Nuristan. Other government employees also received threats in Sari-Pul, Farah, and Uruzgan.

On September 26, a suicide bomber detonated himself at the guard gate leading to the governor's compound in Lashkar Gah. Nineteen persons died in the incident, including three ANP officers, four ANA soldiers, and 12 civilians.

On October 19, militants robbed and murdered eight employees of the Korengal Outpost while they were on their way home for the Eid holiday.

Prison and Detention Center Conditions.—Prison conditions remained poor; prisons were decrepit, severely overcrowded, and unsanitary. Prisoners shared collective cells and were not sheltered adequately from severe winter conditions. Living conditions did not meet international standards. Some prisons held more than twice their capacity. In district prisons, shipping containers were frequently used when other structures were unavailable. Prisoners were reportedly beaten, tortured, and denied adequate food. Prison guards routinely denied visitors, food, and outside exercise as a means of discipline and to ensure good behavior. The AIHRC continued to report that inadequate food, water, poor sanitation facilities, insufficient blankets, and infectious diseases were common conditions in the country's prisons. Infirmaries, where they existed, were under-equipped and the supply of quality medicine was insufficient. Contagious and mentally ill prisoners were rarely separated from other prisoners.

The AIHRC believed over 40 private and illegal detention centers had been closed between 2001 and year's end. During the year the AHIRC allegedly discovered private prisons in Kabul, Jalalabad, Kandahar, Herat, Kapisa, Badakhshan, and Baghlan provinces and reported in a December meeting that it believed all of these secret prisons had been closed. Credible sources noted that at least one other private prison may exist in or around Kabul. HRW and other organizations reported the presence of secret or unofficial prisons through 2005. International media reports assert that detainees and prisoners in Musa Qala were held in a Taliban jail, because there were no other facilities available. A riot at Pol-e-Charkhi prison resulted in six deaths and many injuries (see section 1.a.).

The Government reported 31 active rehabilitation centers for juveniles. Approximately 14 detention centers housed female prisoners. Children under 12 years of age were incarcerated with their mothers. However, adequate separate housing for women, accompanying children, and juveniles remained an issue as prisons did not have the capacity to separate prisoners. In Pol-e-Charkhi prison many juveniles were detained with adult prisoners. According to authorities, juveniles at a Kabul jail were kept locked in a separate cell to protect them from the rest of the prison population. In general, juveniles charged with murder were detained in adult facilities; however, if space permitted, they were assigned to a separate area within the facility. Prisoners waiting for trial generally should be separated from the rest of the inmate population but often were not.

According to an AIHRC report, children were normally kept in detention centers which lacked appropriate facilities and they were exposed to physical and sexual exploitation. There were about 134 juvenile offenders in correction facilities, but in 12 provinces of the country specialized correction centers were non-existent and the offending children were kept in detention with adults. A number of children who had not committed any offences were detained in jail with their mothers because there was no one to care for them at home. In November Pol-e-Charki prison held approximately 65 women inmates, 55 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 children; however there was not enough space in the classrooms to accommodate all of the children. According to prison staff, the official policy was that children could only stay with their mothers until the age of two and were then transferred to a rehabilitation center; however, space constraints at the rehabilitation center sometimes prevented the transfer, thus prolonging children's' time in Pol-e-Charki with their mothers. According to a Report of the UN-appointed independent expert of the Commission on Human Rights, individuals being held in pretrial detention were often held in detention with hardened criminals. In addition, children and juveniles were commonly held in the same cells as violent adult criminals.

According to the UN Commission independent expert on Human Rights, many districts didn't have detention facilities for women, and women found to be guilty of acts that may not constitute legal offences were confined to the personal custody of tribal leaders and others. The report states: "Because of the absence of detention facilities for women in the districts, women found to be guilty of acts that may not constitute legal offences were confined to the personal custody of tribal leaders and others. These women are sometimes forced into slave-like conditions outside the reach of the law and are reportedly subject to sexual and physical abuse. The charges brought against them are reported to arise in large part out of allegations of 'immoral conduct,' which did not, however, constitute a legal violation." In addition, some cases allegedly involved crimes committed by spouses and fathers for which the women were forced to accept responsibility. Women were sometimes de-

tained in private homes as the result of decisions taken by customary law actors or forced to marry as compensation for killings, creating highly abusive situations.

The International Committee of the Red Cross (ICRC) had permission to visit all prisons operated by the National Directorate of Security (NDS), Ministry of Interior (MOI), and Ministry of Justice (MOJ), and the ICRC conducted such visits during the year. The AIHRC monitored prison conditions regularly during the year independent of the MOJ; however, the AIHRC reported that in some areas representatives were not granted full access or were required to provide additional proof of authorization.

In the provincial prison in Bamyan, sentenced inmates were held together with those awaiting trial and appeal. The women who had been arrested for "illegal sexual relations," activities not actually prohibited by law but often punished under local custom or Shari'a law, lived in an adjoining building and were supervised by a female caretaker. The captain in charge was aware that minors and adults should be kept in separate facilities, as should serious offenders be detained separately; however, he reported that the prison did not have adequate space to meet these rules.

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; however, some local and regional commanders maintained considerable power since the Government did not control security nationwide. During the year the Government attempted to expand its reach through the use of auxiliary police in some areas. The North Atlantic Treaty Organization (NATO) remained in control of the UN sanctioned International Security Assistance Force (ISAF). In October ISAF took over control of Regional Command East from the Coalition Command, the last of the four regional commands to be handed over.

The ANP, administered under the MOI, was the predominant government institution responsible for security in the country. Its performance engendered mistrust among the local population, and reports of corruption and mistreatment of citizens in custody were widespread. In response, this year the MOI assigned General Atmar as the new head of its Human Rights Unit in an effort to re-energize efforts to ensure the ANP was compliant with human rights standards. Atmar began his tenure with plans to place in each province at least two ANP officers trained to recognize and report human rights violations, and one in each checkpoint in Kabul. At year's end, these persons were in place in several provinces. Communication and coordination of reports between the provinces and MOI headquarters in Kabul remained a concern. Additionally, during the year the MOI initiated rank and pay reform in order to remove officers involved in human rights violations and high level corruption. The reform resulted in the removal of more than 70 senior level officers. International support for recruiting and training of new ANP was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force.

Fueled in part by inadequate and irregular payment of salaries, corruption and official impunity remained pervasive problems. Illegal border checkpoints to extort bribes 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. There was a unit within the MOI set up to review these claims.

The international community worked with the Government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. In July Kabul officials arrested five traffic officers on charges of corruption and forging vehicle documents. In September President Karzai appointed a new Attorney General, Dr. Abdul Jabar Sabit. In October, under Sabit's leadership, eight government officials were arrested in Herat for corruption and embezzlement. Also in Herat, a senior police officer was arrested for taking bribes. During a November visit to Asadabad, Sabit arrested eight low-level timber smugglers. He also ordered the arrests of a former mayor for skimming city revenues during his tenure, a local director of Hajj and mosques, and two provincial prosecutors. In December, Sabit arrested several government officials in Nangarhar, including a former head of the Health Department on charges of misappropriation of $400 U.S. (20,000 Afghani), and a candidate who had been designated to serve as Nangarhar's next Afghan border police chief. In December Sabit also arrested the mayor of Herat for his alleged involvement in an embezzling ring involving two major projects, the construction of a five-star hotel and expansion of the national garden. Sabit accused the mayor of skimming several thousand dollars from the contracts issued, as well as altering records for fuel consumed by city vehicles during the national garden project.

In November 2005 the Government created a Professional Standards Unit (or Internal Affairs Unit) to help investigate offenses. The Government, with foreign assistance continued to develop a model police station in Kabul to exemplify best practices and train police. During the year the AIHRC provided human rights training to members of the ANP, ANA, and the NDS.

Arrest and Detention.—Judicial and police procedures and practices for taking persons into custody and bringing them to justice were unregulated and varied depending on the area and local authorities. Some areas, such as the major regional centers, had a more formal judicial structure than others.

The law provides for access to legal counsel, the use of warrants, and bail; however, all three were inconsistently applied. There were 213 licensed defense attorneys nationwide, and only 100 to 150 of them practiced law.

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.

Arbitrary arrest and detention remained problems. For example, Mohammed Ibrahim Sahdat, a lawyer from the Human Rights Commission for Afghanistan, said that the biggest problem in Helmand was false arrests. He cited the case of Jalaludin, whose home was near the scene of an explosion and who was accused of having ordered it. Sahdat stated that Jalaludin was landless and poor, which was why he was arrested. Jalaludin was hung by his feet for 10 hours, beaten, and subjected to electric shocks. He was later released.

Police often detained women at the request of family members for crimes of running away, or "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. There were also reports that women were detained when they reported crimes perpetrated against them and as substitutes for their husbands or male relatives who were convicted of crimes. An unknown number of women were imprisoned for these reasons. Some were placed in custody to prevent violent retaliation by family members (see section 5, Women).

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." Minister Shahrani stated that this local "vice and virtue department" was not connected to the ministry in Kabul. Khost Governor Jamal stated that the squad was temporary, with a limited mandate during Ramadan to enforce existing laws.

Detainees were often able to bribe their way out of custody before their case was prosecuted. Others were released due to lack of sufficient evidence.

The authorities did not respect limits on lengths of pretrial detention. Arbitrarily lengthy pretrial detention remained a problem in part because of the inadequacy of the legal system, which was unable to guarantee a speedy trial. The UN Human Rights Commission, ICRC, and AIHRC all reported that arbitrary and prolonged detentions were a frequent occurrence throughout the country. According to the Interim Criminal Procedure Code, police have the right to detain a suspect for a maximum of 72 hours to complete a preliminary investigation. If they decided to pursue a case, the file was transferred to the prosecutor's office, which had to 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 the arrest while continuing the investigation. Prosecutors had to file an indictment or drop the case within 30 days of arrest. The court then had two months to hear the case. An appeal had to be filed within 20 days, and the appellate court had two months to review the case. A second appeal had to be filed within 30 days, after which the case went before the Supreme Court, which could take up to five months to conclude the trial. In many cases, however, courts did not follow these deadlines. NGOs continued to report that prison authorities detained individuals for several months to over a year without charging them. There were credible reports in 2005 that police continued to detain prisoners in Kabul and Ghazni after they were found innocent.

While accurate statistics did not exist, lengthy trial procedures stemmed in large part from gross inadequacy of the judicial system. Varied reports from international NGOs estimated that no more than 150 defense lawyers were practicing in the entire country, compared to 1400 judges and between 2000 to 2500 prosecutors nationwide, most of whom lacked any formal legal training. According to the MOJ, there were a total of 9,604 people detained in correctional facilities nationwide, of which 5,342 had been tried and convicted; the remaining 4,262 were still awaiting trial. There were also widespread shortages of judges. Bamyan province, for example, reported no judges in four of its districts and that seven districts were 75 percent understaffed. In May, there were 1412 judges appointed who served throughout the

country. Because of the corruption he encountered among provincial judges, Attorney General Sabit lobbied the Supreme Court to move to Kabul several of the trials for arrests of government officials made in Herat, Nangarhar, and Konar. At year's end, this decision was pending in the Supreme Court. Another significant barrier was detainees' own lack of awareness of their own rights under the 2004 Interim Criminal Procedure Code.

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, local commanders, and the families of accused persons, as well as bribery and corruption, threatened judicial impartiality. Justice was administered on an intermittent basis according to a mixture of codified law, Shari'a (Islamic law), and local custom.

According to the United States Institute of Peace, the formal justice system was relatively weak in the urban centers where the central government was strongest and in the rural areas that house approximately 75 percent of the population. Functioning courts, police and prisons were an exception. The judicial system lacked the capacity to handle the large volume of new and amended legislation. The courts were hindered by a lack of qualified judicial personnel. Judges had minimal training and often based their judgments on their personal understanding of Islamic law and tribal codes of honor.

In October 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 he was in detention, pending further investigation of bribery allegations. The Attorney General also suspended and detained Judge Mohammed Dawood, a member of the District 11 Court on charges of bribery. At year's end the case was still under investigation. 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 authorities 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 December 2005 the President passed by decree an antinarcotics law that formally created a separate central court for narcotics prosecutions.

In some remote areas not under government control, the Taliban enforced its own judicial system by means of unsanctioned "shuras" (community councils). These included districts at the Pakistani border in Helmand province.

Many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. In major cities, courts primarily decided criminal cases, although civil cases were often resolved in the informal system. In rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also sometimes allegedly levied unsanctioned punishments. Some estimates suggested that 80 percent of all cases went through the shuras, leaving many vulnerable to violation of their legal rights, as customary shuras or "jirgas" did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities. The informal justice system played a vital role in society. Due to the undeveloped formal legal system, the informal justice system was often used to resolve disputes.

Trial Procedures.—Court procedures generally did not meet internationally accepted standards for fair trials. The administration and implementation of justice varied in different areas of the country. Trials were usually public, and while juries were not used, decisions made through the shura system were made collectively by groups of local elders. Defendants have the right to be present and to appeal; however these rights were inconsistently applied. Defendants also have the right to consult with an attorney at public expense when resources allowed. This right was inconsistently applied mainly due to a lack of trained personnel. Defendants were not allowed to confront or question witnesses. Citizens' lack of awareness of their constitutional rights was a problem, 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. Defendants were presumed innocent until evidence proved otherwise. The courts reportedly heard cases in sessions that lasted only a few minutes. In cases involving murder and rape, judges generally sentenced convicted prisoners to execution, although relatives of the victim

could instead choose to accept other restitution or could choose to enforce the verdict themselves; however, under the new constitution, capital punishment is conditional upon approval of the President. Local elders and shuras sentenced persons to unsanctioned punishment. In contrast to previous years there were no confirmed reports of flogging or death by stoning. The practice of ordering the defendant to provide compensation in the form of young girls in marriage to a victims' family continued. 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 law; this practice often resulted in outcomes that discriminated against women (see section 5, Women).

HRW reported that the February 26 trial of Asadullah Sarwari, the communist-era intelligence chief and a notorious human rights abuser, was seriously flawed. Sarwari was sentenced to death in a summary one day trial in which he did not have legal representation. Sarwari had been detained since 1992; he was held without charges until December 26, 2005. This sentence was the first attempt to hold a senior government official accountable for past crimes in the country.

In December 2005 the Government developed the country's National Action Plan for Truth, Justice and Reconciliation, in coordination with the AIHRC and the United Nations Assistance Mission to Afghanistan (UNAMA). The plan was designed to promote transitional justice in the country. The plan's five points 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. At year's end, following very little progress in implementing the plan, President Karzai declared December 10 as a national day of remembrance for the victims of past human rights atrocities, and worked with the AIHRC to re-energize efforts to implement the plan.

In March Abdul Rahman was put on trial for the crime of apostasy-conversion from Islam to Christianity-which is punishable by death, according to Shari'a law. The charges were eventually dropped after a finding that Rahman was unfit to stand trial (see section 2.c.).

Political Prisoners and Detainees.—There were reports that a number of regional commanders affiliated with the Government held political prisoners and detainees. There were no reliable estimates of the numbers involved. Political prisoners were reportedly not given the same protection as other detainees.

Civil Judicial Procedures and Remedies.—Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often trumped human or constitutional rights. In civil matters the judiciary remained ineffective due to a lack of capacity and severe corruption.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such interference; however, there were no legal protections for victims. Antigovernment elements, police officials, and local commanders forcibly invaded and looted the homes and businesses of civilians with impunity. In Farah and Balkh provinces local commanders repeatedly interfered with civilians. In Badakhshan a local commander pressured a family to marry off its 13-year-old daughter to the son of a prominent politician. The girl refused, and local villagers threatened to stone her. The case eventually went to the Supreme Court, where several residents from Badakhshan traveled in order to pressure authorities to weigh in against the girl. Following discreet negotiations, including some action by the central government to advocate for the girl's wishes, the case was dropped. 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 throughout the country. The law provided for wiretapping.

In 2005 forced resettlement from areas of conflict occurred for safety reasons.

The Government's willingness to recognize the right to marry varied by nationality, gender and religion. For example, the family court would register a marriage between a foreign woman and a Muslim man, but required the couple to accept a Muslim ceremony, or "nekah." Muslim men could marry a woman who was Jewish or Christian, but a woman of any other faith had to first convert to Islam before marrying a Muslim man. The court would not register a marriage between a Muslim woman and a non-Muslim man. The court also would not register a marriage for Afghans who stated they were not Muslim, even if they were born into other faiths in the country or elsewhere. Non-Afghans could marry, and foreigners were permitted a civil ceremony as long as neither was Muslim.

There were reports that individuals, often women, were arrested and sentenced to jail time for crimes committed by other family members.

There were scattered reports of theft by national security forces while conducting raids and searching homes. In August 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 headquarter's evidence locker, only small amounts of the contraband were present.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year ongoing internal conflict and the continued use of excessive force caused civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents. At year's end the MOI's Human Rights Office reported its continuing investigation of a case of excessive force in Ghazni province. According to HRW the majority of citizens cited the numerous regional warlords as the greatest source of insecurity.

Killings.—Interfactional fighting between regional commanders, persistent Taliban and al-Qa'ida activity, and criminal activity resulted in unlawful killings and numerous civilian casualties. Terrorist attacks were responsible for the deaths of over 1,400 civilians. Militants targeted and killed foreigners and local NGO employees. There was a significant increase in militant suicide attacks this year, 140 compared to only 15 in 2005 and four in 2004. Insurgents targeted provincial governors, women's affairs officials, and ministry officials during the year. Overall attacks against non-combatants (government officials, civilians, religious figures, teachers, and students) increased slightly from 635 in 2005 to 664 during the year.

Over 12 government officials were targeted and killed, in addition to at least one foreign diplomat. Government officials killed include Governor Taniwal of Paktia province, Director of Women's Affairs in Kandahar Safia Ama Jan, as well as a district police chief, an intelligence officer, and an administrator in the eastern province of Nangarhar. They died when a roadside bomb exploded near their vehicle while they were en route to check on a school that had been torched. Coalition and ISAF forces faced frequent attacks on their convoys. The Taliban also beheaded over a dozen Afghans for allegedly acting as coalition spies. On January 15, antigovernment forces targeted a coalition convoy killing Canadian diplomat Glynn Berry. Later in the month Taliban forces beheaded the headmaster of a coed high school in Zabul Province (see section 5, Children).

In February fighting between two commanders left one man dead and two wounded in Kapisa. August fighting between rival warlords in the north killed at least four and displaced hundreds. The fighting lasted a few weeks and allegedly involved former commanders Abdul Rashid Dostum and Abdul Malik. In March Commander Abdul Razaq of Kandahar province was removed from his post for allegedly attacking 16 rivals under the pretext that they were Taliban militants. The 16 men were Pakistani citizens who had traveled to Afghanistan for Afghan New Year celebrations. They belonged to a clan in Pakistan that Razaq blamed for the death of his brother two years earlier.

In February a local official was shot dead by unknown gunmen in Helmand province. Later in the month two intelligence officials were found beheaded in the desert near the Iranian border. On February 7, a Turkish engineer, an Indian, and their driver were killed when a roadside bomb hit their vehicle in Farah province.

In March the head of the senate was targeted in a suicide attack; Speaker Mojadeddi escaped unharmed but four others died in the attack. Also in March unknown assailants shot and killed a local administrator in Paktia province and an ex-police chief in Zabul. On March 11, the Taliban abducted two policemen from their homes and later beheaded and left them in the desert. On March 19, 15 people were killed in separate attacks on Ghazni's former and then-current governor. Taliban shot and killed former Governor Taj Mohammad, but did not succeed in killing then-Governor Sher Alam Ibrahimi. Nine police officers and four companions of Taj Mohammad were also killed. Taliban insurgents abducted three Albanians and one German national. All four were later found dead. Five policemen also died while trying to return the bodies to Kabul when a roadside bomb hit their convoy.

On the evening of March 31, unidentified gunmen shot and killed the provincial council speaker of Takhar province, Sayed Sadiq Agha. In two separate incidents the same week Taliban fighters shot and killed two intelligence officials. On April 3, Taliban militants pulled a Turkish engineer from his car, shot and killed him, and then set the body on fire. On April 10, militants killed five health workers when they attacked a clinic in Badghis province. On April 30, the body of a kidnapped Indian engineer was found beheaded. The Taliban claimed he was killed while trying to escape.

In May antigovernment elements shot and killed a senior judge in Farah province. On May 9, the Taliban targeted the director of the Department of Women's Affairs in Helmand province. She escaped unhurt but the male business manager for the office died from the attack. In May antigovernment elements attacked the vehicle of Ghazni's deputy governor, injuring one policeman. They also attacked, a convoy carrying Helmand's deputy governor a few days later. This was allegedly the tenth attack on police and government officials in Ghazni over a 20 day period. On May 14, the Taliban targeted another intelligence official in Kandahar province killing him and wounding one teacher. The same day gunmen killed a religious leader in Paktia province. UNICEF also reported that in May one of their Afghan drivers and a doctor were killed in a rocket attack. On May 28, Taliban forces kidnapped and killed three policemen in Ghazni province.

On June 9, a roadside bomb hit the convoy of a top intelligence official killing three bystanders.

On July 3, a suicide bomber hit a checkpoint in Kandahar killing a policeman and injuring six. On July 4, militants ambushed and killed five laborers and wounded another as they were on their way to deliver lumber to a coalition military base. On July 17, a suicide bomber attacked and killed two justice officials and a third employee in Helmand province. In Khost province, a grenade was thrown into a wedding party killing one man and wounding 16. Also in July a time bomb killed one female student and injured six others at Herat University. On July 22, Aryana television cameraman Abdul Qodus died along with several other civilians in a double suicide bombing in Kandahar.

On August 8, antigovernment elements shot and killed a teacher in Ghazni province (see section 5.).

In September a suicide attacker assassinated the Governor of Paktia Province, Hakim Taniwal, along with two others, the first assassination of a governor during the year despite several attempts on others. In another suicide attack over a dozen Hajj pilgrims were killed outside the governor's compound in Helmand province. On September 7, a suicide bomber killed a teacher and policemen when he jumped on the hood of a taxi and self-detonated. On September 9, two foreign soldiers, and 16 others were killed in a suicide attack outside a foreign embassy compound in Kabul. On September 21, the body of a kidnapped Turkish worker was found in Kandahar. On September 22, militants attacked a bus killing 19 construction workers in Kandahar. The Taliban executed a man for his alleged involvement in a murder case in Helmand province. On September 25, two unknown gunmen shot and killed Safia Amajan, director of the Kandahar Department of Women's Affairs. According to The Independent, Taliban Commander Mullah Hayat Kahn called her death "an execution."

On October 7, 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 wasn't clear, and they were conducting an investigation.

On December 9, two female teachers were gunned down in their home in Kunar (see section 5, Children).

There were other documented incidents during the year of officials being targeted for killings, in which they survived the attacks, including the governor of Faryab on March 23 and a district police chief of Faryab on April 29. In a separate apparent assassination attempt, a vehicle exploded outside the Nangarhar governor's office but failed to kill any one in the vicinity.

On October 14, a failed assassination attempt against Laghman Governor Gulab Mangal resulted in the death of another provincial government official, Engineer Rohullah, who was shot in the forehead while standing between the governor and his deputy.

On October 22, an RPG attack was carried out on a convoy of two vehicles carrying regional Pashtun warlord Amunallah Khan, his son, and other escorts. This attack was followed by small arms fire close to Gardana and Larga villages in Herat province.

The Taliban continued to behead individuals throughout the year for allegedly spying.

During the year antigovernment elements continued to attack pro-government religious leaders (see section 2.c.).

The investigation into the 2004 kidnapping of three Turkish construction workers by unknown assailants remained open at year's end. The kidnappers killed one worker and released two others.

Abductions.—One hundred ninety abductions were reported in the last six months of the year, at least 12 of which resulted in the death of the hostage. However, most abductions were not reported. The Taliban and commanders abducted security

forces, civilians and at least one journalist for both political and financial gain. Many were killed but some were allowed to live if they vowed to resign and join antigovernment elements. In January the Taliban abducted five civilians but later abandoned them after coming under attack from the police. In February two Nepalese security workers were abducted in Kabul. Their employer negotiated the release of one, but the other died of a heart attack while in custody. In July Taliban forces abducted and severely beat six men for teaching girls. They were later released but some remained handicapped as a result of the beatings.

The case of the May 2005 kidnapping of a foreign aid worker remained under investigation at year's end. In June 2005, she was released unharmed in Kabul.

Mines.—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 UN Mine Action Center for Afghanistan (UNMACA) reported that landmines and unexploded ordinances 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 UN, with funding from international donors, organized and trained mine detection and clearance teams, which operated throughout the country. UN agencies and NGOs conducted many educational programs and mine awareness campaigns for women and children in various parts of the country. HALO Trust has cleared 554 million square meters, or 5.96 billion square feet of land. There were almost 723 million square meters, or 7.78 billion square feet of uncleared land remaining at year's end, according to UNMACA.

Treatment of Victims and Prisoners.—During the year there were scattered reports of the Government providing some compensation to civilian victims of fighting between the Government and the Taliban.

Other Abuses.—During the year suspected Taliban members fired on NGO vehicles, attacked NGO offices, and killed at least 31 aid workers (see sections 1.a. and 1.g.). International NGO and UN workers and recipients of NGO assistance were attacked on 57 occasions. NGO personnel were not necessarily the intended targets of insurgent violence but often victims of misidentification. Insurgents largely used attacks on PRT sites and construction crews, rather than NGOs, to hamper reconstruction efforts and drive away the international assistance community.

In March armed men set fire to UN food trucks in Uruzgan province. On March 5, six armed men dragged a UN engineer from his car and killed him in Farah. In April Taliban forces beat an NGO worker and burned his office in Paktika. On July 23, armed men looted a Danish Committee for Aid to Afghan Refugees office in Wardak Province. In August the Taliban kidnapped 15 health workers in Kandahar, but they were later freed. Numerous others working on the road system were killed around the country. There were reports in Kandahar that antigovernment forces increasingly attacked those accepting foreign assistance, causing villagers to begin refusing aid.

Militants used women and children as human shields by forcing them into the line of fire. Violence and instability hampered relief and reconstruction efforts in different parts of the country. NGOs reported that some local commanders charged them for the relief supplies they were bringing into the country. Assistance efforts were also limited by the difficulties in moving relief goods overland to remote areas.

The World Health Organization and the UN Children's Fund (UNICEF) reported concerns that the security situation in the south presented a high risk to health workers seeking to gain access to the southern provinces in order to vaccinate children. In July, President Karzai initiated a Policy Action Group (PAG), charged with assessing and coordinating a local and international response to security concerns in the South.

There were unconfirmed reports of teenagers under 18 falsifying their identification records to join the ANA, which had a legal age limit of 18; however, there have been no reports of forced child conscription since the 2003 Presidential decree prohibiting it (see section 5, Children).

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 governmental and local commander intimidation of journalists to influence their reporting. According to independent media and observers, government repression and armed groups prevent the media from operating freely by demanding that news be broadcast a certain way. The Afghan Independent Journalists Association and Center for International Journalism

reported fifty registered cases of intimidation and undue influence by commanders 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 material offered the potential for abuse of press freedom. Under the 2004 media law, new newspapers and printers had to get a license from the information ministry and foreign investment in the media was strictly limited.

There was concern within the media community that a draft media law under consideration in parliament at year's end would place greater restrictions on media content and create an overall climate of potential government intimidation and media self-censorship. Elements of the latest draft included: language that seeks to keep Radio-Television Afghanistan under the rubric of the Government, rather than converting it to independent Public Service Broadcasting; the elimination of three committees that protected journalists from politically-motivated reprisals; and the designation of certain categories of content as "prohibited." Under the previous law, a complaints commission existed which examined complaints against journalists and decided whether the dispute could be resolved or should be forwarded to the courts for prosecution. This committee provided an extra layer of protection for journalists from those influential politicians who might otherwise use their influence to enact reprisals against journalists for publishing unfavorable stories.

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.

The independent media were active and reflected differing political views, although the extent varied from region to region. Factional authorities tightly controlled media in some parts of the country, and the degree of freedom of expression varied significantly among regions. The Ministry of Information and Culture and some provincial governors exercised control to varying degrees around the country. Observers noted tighter controls especially in the larger provinces of Mazar-e-Sharif, Kandahar, Herat, and Nangarhar. The Government owned at least 35 publications and most of the electronic news media. Many other newspapers were published only sporadically, and many were affiliated with different provincial authorities. During the year there were approximately 400 publications, 50 private radio stations, five news agencies, and eight television networks, though not all were independently owned and operated. 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 that were considered a threat to the President. Approximately a dozen international stations broadcast in Dari or Pashto, including the BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan, which were available throughout the country. In 2004 business leaders inaugurated the first independent radio station established entirely by private sector funds in Ghazni province. At least 32 other community-based independent radio stations have been created.

During the year various government officials, foreign governments, regional commanders, and the Taliban subjected members of the press to harassment, intimidation, and violence. Threatening calls and messages against media organizations also remained common, some resulting in actual violence. In February police beat two journalists in Herat while they were covering sectarian violence. In May a member of parliament from Ghazni beat up reporter Noorullah Rahmani and cameraman Omed Yakmanish who were trying to cover a debate on atrocities allegedly committed by parliamentarians. In July armed men, allegedly working for a member of parliament, beat three members of a television crew for covering a land grab story outside Kabul.

Nongovernmental actors also interfered in the operations of journalists. In February militants blew up a television transmitter and generator in Nangarhar province. There were also allegations that Iran bribed and threatened reporters in the western provinces to increase the number of antigovernment stories and decrease the number of anti-Iranian stories. On October 7, two German journalists were shot dead by unknown attackers in the north. BBC reported that they were believed to be the first foreign reporters to be killed in the country since 2001 (see section 1.g.). Italian journalist Gabriele Torsello was kidnapped on October 12 and released on November 3 (see section 1.b.).

In September 2005 members of the President's security forces allegedly beat two Sada-e-Afghan reporters and detained them for eight hours for taking illegal pictures and not having an invitation to the event they were attending. No actions were taken against the authorities.

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 describing the harsh punishments imposed on individuals accused of adultery and theft, as well as the right of Muslims to convert to other religions (see section 2.c.). In December 2005 authorities released Nasab from jail with a suspended six-month sentence, under the condition that he repent and not do it again. Nasab has since moved to Iran.

In 2005, Radio Bamyan, an independent radio station, received occasional threats because the station provided programming deemed un-Islamic. Also, in July 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 the Koran for one hour in the morning and one hour in the evening.

In January Afghan TV was fined $1,000 (49,000 Afghanis) by the media monitoring commission for broadcasting un-Islamic material. According to an Institute for War and Peace Reporting (IWPR) report the Government cracked down on the 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 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.

On June 12, the National Security Department summoned several journalists to a meeting. Journalists were presented with a list of recommendations for press conduct including restrictions on some material, such as reporting on the country's deteriorating security situation; negative propaganda, interviews, or reports against the international coalition forces and ISAF; and materials which deteriorate the morale of the public, cause security problems, or were against the national interest. These proposed new government regulations also included restrictions on interviews with the Taliban and other antigovernment elements for reasons of public security. The NDS later distributed a copy to journalists that was accompanied by a demand that it not be copied or distributed. On June 19, 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.

Proposed changes to the 2005 Media Law included the designation of five additional categories of "prohibited broadcasts" (the December 2005 draft had four), including material that "jeopardizes stability, national security or territorial integrity, provides false information that might disrupt public opinion, publicizes or promotes any religion other than Islam, damages the physical, psychological, or moral well-being of the people, especially children and youth, or was deemed slanderous and insulting to people." These categories were added to those in the 2005 draft, which prohibited material that was "contrary to Islam, offensive to other religions and sects, disclosed the identity of victims of violence and rape, or constituted false accusations or defamation."

Members of the media reported that they did not interview Taliban commanders or leaders due to government restriction. Observers also report self-censorship by obscuring parts of female images when broadcasting certain pieces, such as music videos. For example, Tolo TV opted to stop broadcasting performances by Latin music star Shakira amid complaints that her performances were too provocative.

Members of the media noted their concern that current laws 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.

In June 2005 the Media High Council prosecuted Massood Qiam, a Tolo TV journalist, for defaming the country's former chief justice. The charges were later dropped at the request of the Minister of Information, Culture, and Tourism. The stated purpose of the Media High Council was to plan and approve media policy. The Minister of Information, Culture, and Tourism 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 private and personal media and dealing with complaints against such media.

In 2004 the Ministry of Information and Culture announced the creation of a Commission of Religious Clergy to monitor the media, but the commission's authority to censor content remains unclear.

The Government pressured media outlets not to broadcast material that could be deemed as Taliban propaganda, and there were reports of journalists being detained and questioned for having contacted Taliban officials.

Cumbersome licensing procedures restricted operations of publishing houses.

Internet Freedom.—There were no government restrictions on the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was unavailable to most citizens, and computer literacy and ownership rates were miniscule, although Internet cafes were increasingly popular. Years of fighting and extreme poverty limited the infrastructure available to support the provision of Internet service.

Academic Freedom and Cultural Events.—Through its appointment of university officials, the Government was able to informally restrict academic freedom, by censoring or restricting course content that it deemed un-Islamic. During the year police dropped all charges in the case of two students expelled from Herat University and arrested following a classroom discussion in which they debated the role of Christianity in Muslim society.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association; however, this right was restricted in practice. Increased Taliban, al-Qa'ida, and other antigovernment activity, particularly in the south and east, forced UN agencies and NGOs to temporarily cancel or curtail activities at times during the year.

Freedom of Assembly.—A lack of physical security and interference from local authorities inhibited freedom of assembly in areas outside Kabul.

In February protests took place around the country in response to Danish cartoons depicting the Prophet Mohammad. Police killed four protesters around the country while attempting to protect foreigners from violent protesters. In March the demonstrations continued in Pul-e Khumri, the capital of Baghlan province, as well as other parts of the country.

In May riots broke out in Kabul after a traffic accident involving a Coalition military convoy. The riots killed 17 people and injured over 200. There was no official investigation into the May 2005 riots, a separate incident, in which security forces killed 16 protesters.

Freedom of Association.—The political parties law obliges parties to register with the MOJ and required political parties to pursue objectives that were consistent with the principles of Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where antigovernment violence affected overall security (see section 3). However, the International Crisis Group reported some instances of obstruction of registration. For example, the registration of the United National Party led by Noorul Haq Olomi, a former Parchami general, was delayed by almost a year and a half. At year's end there were 91 registered political parties.

In August Interior Minister Zarar called for two parties run by rival warlords to be disbanded after allegations surfaced connecting them to violence in the northern provinces. Members of the 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, protested, and the parties never 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. For example there were no overt foreign missionaries or other non-Islamic religiously oriented organizations in the country. These groups opted to operate discreetly for fear of societal persecution. The law also declares that no law can be contrary to the beliefs and provisions of Islam. The Government requires all citizens to profess a religious affiliation and assumes all Afghans to be Muslim. According to Islamic law, conversion from Islam is punishable by death. In recent years this sentence was not carried out in practice.

As Afghan Christians were forced to remain underground, they did not openly practice their religion or reveal their identity. During the year there were sporadic reports of harassment and threats against Christians.

Members of the Government called for the execution of Christian converts. In February Abdul Rahman was arrested for converting to Christianity and faced the death sentence. The court determined that Rahman was unfit to stand trial, and he was given asylum in Italy. During his detention, Rahman accused authorities of beating him with hoses and their bare hands. In conjunction with this case, there was some publicly displayed anger, in particular a protest in Mazar-e-Sharif attended by hundreds of people.

There were no laws forbidding proselytizing, although authorities viewed proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death.

The Government did not require women to wear burqas. Although some women continued out of personal choice to wear the burqa, 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 religious subjects. Non-Muslims were not required to study Islam, and there were no restrictions on parental religious teaching. Members of some minority groups, such as the Sikhs, operated private schools to avoid harassment and to provide religious and cultural education to members of their community.

During the year antigovernment elements continued to attack progovernment religious leaders. Antigovernment elements killed over a dozen clerics in Kandahar and over 20 nationwide. These attacks also injured 40 other religious officials.

Societal Abuses, Discrimination, and Anti-Semitism.—Non-Muslims faced discrimination in schools. The Shi'a religious affiliation of the Hazaras historically was a significant factor contributing to their repression, and there was continued social discrimination against Hazaras (see section 5). The AIHRC continued to receive numerous reports that students belonging to the Sikh and Hindu faiths stopped attending schools due to harassment from both teachers and students, and the Government did not implement measures to protect these children. Sikhs and Hindus returning to the country faced difficulties in obtaining housing and land in Kabul and other provinces, and these communities reportedly continued to face acts of discrimination. However, during the year, the Government provided Sikhs and Hindus free electricity for their places of worship. Historically the majority Sunni population discriminated against the minority Shi'a community. According to a UNHCR report the Sikh and Hindu communities complain of experiencing harassment. They face intimidation and verbal as well as, at times, physical abuse in public places. In terms of property, many homes and businesses were lost or occupied during the fighting. Commanders still occupied the properties of some Sikhs and Hindus and Kabul. In both Jalalabad and Kabul, the community representatives have expressed concerns that they will not be able to accommodate returning families. While Hindus and Sikhs did have recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the community feels unprotected. Hindus and Sikhs generally chose not to pursue matters through the courts for fear of retaliation, particularly where commanders occupied their property. Hindus and Sikhs have generally chosen not to pursue matters through the courts for fear of retaliation. Hindus also complained of not having a place to cremate the remains of their dead, a Hindu religious custom, and being prevented from enrolling in some educational institutions. While Hindus reported being harassed by neighbors in their communities, there were no known reports of discrimination against Hindus by the Government.

On February 9, sectarian violence erupted in Herat during a gathering for the Shi'a holiday of Ashura, which resulted in six deaths and more than 150 persons injured, according to Radio Free Europe/Radio Liberty. Local officials believe the violence was preplanned to instigate the Sunni community against Shi'as and propel the situation beyond the governor's control. According to the MOI, a former commander of General Ismail Khan, a former Director of Education, a former Director of Public Works, and the son of General Ismail Khan planned the riots. The MOI reported that only four were killed and 147 injured. Police in Herat arrested 11 individuals and handed them to the NDS's custody.

In July several hundred Korean evangelical 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 ISAF and the international community to develop a comprehensive security contingency plan to prevent violent clashes between the demonstrators and Afghanistan's Muslim communities. The MOI deployed several hundred additional police officers in the cities of Kabul, Mazar-e-Sharif, and Herat where the Koreans had assembled to maintain peace. The Government housed the Christians in clusters around each city but took measures to prevent them from assembling in large groups. After talks with several foreign embassies, the Christian group decided against holding the rally in favor of their security.

There were no reports of anti-Semitic acts. There was only one known Jewish resident who lived in Kabul where he was caretaker of a local synagogue. He main-

tained that the synagogue's Torah was confiscated by Taliban officials several years ago, and he has received no response to his efforts to retrieve it.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, certain laws limited citizens' movement and the Government limited citizens' movement when justified by security interests.

The passport law requires a woman to obtain permission from a male family member before having a passport application processed. In some areas of the country women were forbidden by local custom or tradition to leave the home except in the company of a male relative.

The greatest restriction to movement in the country was the lack of security. Insurgent violence, banditry, and landmines hampered travel within the country. In many areas antigovernment forces made travel difficult and extremely dangerous, and the population did not travel at night due to fear.

Taxi, truck, and bus drivers complained that 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 control of the many illegal crossings, and states the corruption of border police permits 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. Ethnic Hazaras have reported being asked to pay additional bribes at Afghan border crossings where Pashtuns were allowed to pass freely.

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

According to the AIHRC female deportees from Iran must remain in custody until their citizenship can be verified or guaranteed by family.

Internally Displaced Persons (IDPs).—Approximately 40,000 to 50,000 persons were estimated to be internally displaced. Year-end figures for residual battle-affected IDP caseloads ranged from 132,000—135,000. According to the UN 80 to 90,000 people fled their homes due to fighting in Helmand, Kandahar, and Uruzgan provinces during the year.

The main causes of internal displacement were the ongoing drought, which left 1.9 million people in 22 provinces facing chronic water and food insecurity; the urbanization of the country's returning refugee population, which lived in urban centers and acquired new skills while living in exile and subsequently preferred to live in cities; and fighting in the south between Taliban insurgents and ISAF. Local government provided assistance to conflict-affected IDPs through the Ministry of Rural Rehabilitation and Development, in coordination with the UNHCR, Institute of 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. During the year the highest numbers of IDP assisted returns occurred in the provinces of Jawzjan, Faryab, Herat, Zabul, and Kandahar.

Protection of Refugees.—The 1951 Convention on the Status of Refugees was ratified in 2005; however, there are no local laws providing for the granting of asylum or refugee status. In practice the country was in the process of trying to repatriate and provide services for its own returning refugees. There were no known cases of other nationals seeking official government assistance in obtaining protection or refugee status.

The Government had not established a system for providing protection for refugees or those seeking asylum. The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN 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 did not provide protection against refoulement, the return of persons to a country where they feared persecution. The Government did not grant refugee status or asylum. Over the past five years 4.7 million refugees were repatriated to the country. During the year over 224,000 refugees returned, and UNHCR assisted over 139,000. The UNHCR estimated that approximately 3.4 million refugees were still living in Iran and Pakistan. Women and children constituted 75 percent of the refugee population. During the year the number of UNHCR assisted returns decreased significantly, while spontaneous returns decreased only slightly. In August, September, and October 2005 refugees returned in large numbers to the country, as all refugee camps in the Federally Administered Tribal Areas of Pakistan were closed. A fifth of these people

were living without shelter at the end of 2005. Other Afghan refugee camps within Pakistan remained open. Sporadic fighting and related security concerns, as well as drought, discouraged some refugees from returning to the country. In Pakistan the four Afghan refugee camps scheduled for closure during the year remained open.

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 perpetrated against Hazaras in the 1990s.

During the year returning refugees from Pakistan settled in Tangi, Nangarhar. Governor Sherzai of Nangarhar made a verbal commitment to give the land to the returned refugees, who were originally from Kunar, a province just to the north of Nanagar; however, ethnic Kuchis protested, claiming that the land was theirs. At year's end the dispute remained unresolved.

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 for the first time in over 30 years in the September 2005 parliamentary elections.

Elections and Political Parties.—In September 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. Members of the Meshrano Jirga, the upper house, were selected through Presidential and provincial council nomination. Since the parliament was inaugurated in December 2005, members generally worked together cooperatively. In 2004 citizens chose Hamid Karzai to be the first democratically elected President in an election that was acceptable to the majority of the country's citizens, though observers did note irregularities, including pervasive intimidation of voters and candidates, in particular women.

The AIHRC and the 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 over 6,000) from the campaign, including three for committing election offenses. Militants targeted civilians and election officials in a campaign to derail national elections. According to HRW, in the south and southeast, antigovernment forces opposed to the elections managed to drive down participation to nearly a third of registered voters. A Taliban spokesman declared that all parliamentary candidates were high priority targets, and in 2005 antigovernment forces killed seven parliamentary candidates, two parliamentarians-elect, and at least four election workers. There were no developments in the investigations of the June 2005 killing of a provincial council candidate from Uruzgan province by unknown assailants, the August 2005 attempt on the life of a female parliamentary candidate from Kandahar, or the August 2005 shooting and injuring of Hawa Alam Nuristani, a female candidate in Nuristan. While some alleged that the governor of Balkh province was involved in the assassination, three other suspects were detained for the attack. According to the MOI, three men were arrested in connection with the September 2005 killing of parliamentary candidate Mohammad Ashraf Ramazan. The MOI subsequently released one suspect; the other two remain in the custody of the NDS at year's end.

There was no established tradition of political parties, but political groups continued to develop in the National Assembly. Many former warlords and commanders were active members of the parliament. There were reports that some used fear and intimidation to influence other members to vote according to their preferences.

Unlike in previous years, the Government did not ban any political parties, other than the Taliban. Over 90 accredited political parties were registered with the MOJ.

Political parties generally were able to conduct activities throughout the country, except in regions where antigovernment violence affected overall security. AIHRC and UNAMA reported that officials sometimes interfered with political parties, mainly because of a lack of awareness of citizens' political rights. Political parties also exercised significant self-censorship. Political activities were visibly discouraged or curtailed in some parts of the country. Throughout the year, conditions for political parties continued to improve.

Of the 249 seats in the Wolesi Jirga, the law requires that 68 seats be allocated to women. Approximately 25 percent of the total seats were also reserved for women on each provincial council. Five provincial seats reserved for women remained vacant due to the lack of women candidates in three provinces. In the Meshrano Jirga, 17 of the 34 seats appointed by the President were reserved for women. There was one woman in President Karzai's cabinet at the end of the year. There were no female members appointed to the supreme court, but during the year the Attorney

General appointed the first female chief prosecutor to Herat. There were 249 total members, including 68 women in the Wolesi Jirga and 102 members, including 22 women in the Meshrano Jirga. There was one female governor in Bamyan province.

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 from the Taliban. In February a female member of parliament was attacked in Parwan province but escaped unharmed. Others were forced to move around constantly to avoid assassination attempts, violence, and death threats. In September Safia Ama Jan, the director of the Kandahar Department for Women's Affairs, was assassinated on her way to work. In November there was an unsuccessful attempt to kill a female provincial councilmember in Kandahar. Threats have been made against five heads of the Department of Women's Affairs across the southern and eastern parts of the country. The female director of education in Ghazni also received several death threats. In 2005 antigovernment forces targeted women associated with the electoral process for violent attacks and threats. Of the 633 female candidates, 51 withdrew their candidacy.

Of the 249 seats in the Wolesi Jirga, the law requires that 10 seats be allocated to Kuchis. 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. For example Pashtuns, who constitute a majority along several provinces in the South, alleged that they were not given equal opportunities to work for local government in the provinces of Herat and Kapisa, where they were not in the majority. By contrast, other provinces, such as Ghazni prided themselves on the representation of several ethnic groups within local government.

Government Corruption and Transparency.—There was widespread public perception of government corruption, including ministerial level involvement in the illegal narcotics trade. The President replaced several governors, police chiefs and other officials, reportedly because of their corrupt practices. Border Police Commander Haji Zahir was asked to leave during the summer, due to allegations of corruption but refused to do so. The MOI stopped salary payment to the officers operating under Zahir; however, Zahir continued to pay their salaries and funded over 1000 additional officers, essentially forming a private militia, reportedly from his own funds. The newly-appointed attorney general arrested several government officials on charges of corruption.

Government corruption was exacerbated by a lack of political accountability and capacity to monitor government spending, coupled by low salaries and substantial influx of international funding which ministries were not prepared to audit. During the year the parliament reviewed proposals to dismiss or consolidate certain ministries and raise the overall salaries of civil service employees. Observers alleged that governors with involvement in the drug trade or past records of human rights violations served in various Presidential appointments with relative impunity. On December 12, HRW released a press statement naming several prominent government officials as gross human rights violators during the mujaheddin period and called for a special court to try them. President Karzai defended these officials, stating his belief that the officials in question had played a positive role in ensuring peace in the country. The allegations and response marked a resurgence in the country's debate over transitional justice. At year's end, the MOI was reviewing 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 Attitude 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. There were cases in which government officials were 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.

NGO and international assistance workers or recipients were attacked on 57 occasions. 31 NGO staff members were killed, down from 33 in 2005 but up from 23 in 2004. For most of the year NGOs were not the direct target of insurgents. To-

wards the end of the year, however, there was more evidence of direct threats and attacks against NGO workers by insurgents (see sections 1.a. and 1.g.).

In June 2005 the Government passed a new NGO law in an effort 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 taking advantage of the system to pose as NGOs. In February the Government stripped the licenses of more than 1,600 NGOs accused of economic fraud and corruption. Local employees ran several international NGOs, including HRW, which monitored the human rights situation inside the country. The Government did cooperate with international governmental organizations and permitted them to visit the country.

The constitutionally mandated AIHRC continued its role in addressing human rights problems within the country. The nine-member appointed commission 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 remained a reasonably influential organization, effective in its ability to document cases, raise public awareness, and influence national policy regarding human rights. This was evidenced by the December 10 launching of the National Action Plan for Truth, Justice and Reconciliation, a plan for transitional justice that was partly drafted by (in conjunction with the UN) and heavily promoted by the AIHRC. Dr. Sima Samar, Chairwoman of the AIHRC, unofficially holds status equivalent to a government minister and routinely met with President Karzai. During the year the AIHRC began development of a comprehensive database that will allow them to produce reliable statistics on various types of abuses as of early 2007. The AIHRC did not have adequate resources to focus on advocacy of human rights or intervention in individual cases reported to it.

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 also conducted confirmation hearings on several Presidential appointees.

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

The constitution states that any kind of discrimination between citizens is prohibited. The law 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, gender, disability, language, or social status was not explicitly mentioned in the law. There were reports of discrimination based on race and gender. The severity of discrimination varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women and on local customs. The minority Shi'a faced discrimination from the majority Sunni population. Ethnic Hazaras faced discrimination at border checkpoints. Women entrepreneurs reported discrimination when seeking to purchase raw materials at local bazaars where they were quoted higher prices.

Women.—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 Taliban years, as well as limited employment possibilities, continued to impede the ability of many women to improve their situation. The Government and NGOs continued to promote women's rights and freedoms whenever possible; however, the number of female cabinet members was reduced from three (Minister of Women's Affairs, Minister of Martyrs and Disabled, and Minister of Youth) to one (Minister of Women's Affairs). According to the Ministry of Women's Affairs (MOWA), women made up less than 25 percent of government employees nationwide. There were no women serving in the Supreme Court. A woman held the position of Second Deputy Speaker of the Wolesi Jirga in the Parliament. Women, particularly in villages and rural areas, nevertheless still faced pervasive human rights violations and remained uninformed of their rights under the law and constitution.

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 runs a shelter for victims of domestic violence, noted that it occurs in most homes but goes largely unreported due to societal acceptance of the practice. Domestic violence usually occurs in the form of beating of women and children and, less often, in 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 one-month pilot project 96 cases were reported in

the cities of Kabul and Kandahar, compared to only 362 cases reported through existing channels nationwide. The Government, with the help of the United Nations Population Fund, also established its first special police unit to address the needs of women and children. The unit, which was created in January, was designed to provide assistance to victims of violence against women and children. Policewomen staffed the unit and kept complaints confidential.

According to Integrated Regional Information Networks (IRIN), four shelters in Kabul were home to more than 100 women and girls. The centers were supported by the MOWA and other agencies and 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. But space at the specialized shelters was limited. Many of the women who could not find a place in the four secure hostels in Kabul end up in prison. One shelter in Kabul reported that while it only had capacity for 20 women, it held 26 women and 8 children during the year. Approximately 120 women and girls have passed through the shelter seeking refuge since its opening in 2003.

Some women's advocacy groups reported informal intervention from the central government in the form of letters to their local courts explaining domestic and Shari'a law in favor of several women facing trial for domestic violence cases or forced marriages.

The law criminalizes rape, which is punishable by death, although this punishment did not extend to spousal rape. According to the MOI 260 cases of rape were reported during the year. Of those, 146 cases were of rape against females and 114 cases were of rape against males. The MOI reported 409 arrests in connection with rape cases; however, statistics on convictions were not available. Rapes were difficult to document in view of the associated social stigma against the victims of rape; 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 northern areas, commanders targeted women, especially from Pashtun families, for sexual violence. In 2005 there were at least four credible reports of soldiers and commanders loyal to local warlords raping girls, boys, and women in provinces in the eastern, northern, and central part of the country. In one of these cases police arrested two perpetrators, but the case remained open at year's end. A total of 21 such cases were reported to the AIHRC during 2005. During the year an additional 12 were reported. The MOI recorded 134 cases of rape against women and 103 cases of rape against boys.

Societal violence against women persisted, including beatings, rapes, forced marriages, kidnappings, and honor killings. Such incidents generally went unreported, and most information on the abuse was anecdotal. For example in November 2005 Farid Majid Naia beat and killed his wife Nadia Anjuman, a poet, in Herat. While Naia admitted beating Anjuman, he claimed he stopped before she died. Naia claimed Anjuman ingested poison, but he did not allow an autopsy. There was no available information about the ongoing investigation against Naia at year's end. Forced marriages were often intertwined in a cycle of violence and family problems for continuing generations. For example the AIHRC reported the case of a Kabul family in which the husband repeatedly beat his wife over a period of 25 years. The couple's four-year-old daughter was diagnosed with psychological problems as a result of witnessing the violence, and the 20-year-old son eventually ran away from home.

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. Violence against women was widely tolerated by the community and is widely practiced. Abusers were rarely prosecuted and investigations were rarely carried out for complaints of violent attacks, rape, murders, or suicides of women. If the case did come to court, the accused were often exonerated or punished lightly. Women who reported rape face being locked up and accused of having committed crimes of zina.

Forced marriages continued to be a widespread problem. Previous AIHRC reporting estimated that 60 to 80 percent of all marriages were forced. The AIHRC estimated that approximately 40 percent of marriages were forced, and distinguished this category from another 20 percent of marriages that were "arranged," in which the woman was not allowed to choose her own spouse but may opt not to marry the man chosen for her by her family. During the year the AIHRC recorded 213 cases of forced marriages. There were 106 reported cases of self-immolation, several of which were women protesting a forced marriage.

Exchanging or selling women or girls remained a customary method of resolving disputes or satisfying debts, even though it was outlawed by Presidential decree. For example, according to the UN Development Fund for Women (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 41 cases of women being given to another family to settle disputes; however, the AIHRC believes the number of actual cases to be much higher. In the early part of the year, there was a very high-profile case involving a 13-year-old who was engaged to the son of an influential politician in Badakhshan province. She refused to marry the man and was threatened with stoning by residents of her village. The case eventually went to the Supreme Court; however, quiet negotiations involving local and central government led the case to be dropped and mediated informally. The girl did not have to marry the politician's son.

Honor killings also continued to be a problem. The AIHRC documented a total of 50 cases throughout the year. During the year 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 set the girl on fire. She died three days later. At year's end authorities had not investigated this case. There were no further developments in the December 2005 case of an honor killing in the Watapour District of Konar Province.

According to MOI statistics at year's end there were 234 women detained around the country, of which 172 had been convicted and sentenced to jail time, while the remaining 62 had not yet had trials. Many women were imprisoned at the request of a family member, including those incarcerated for opposing the wishes of the family in the choice of a marriage partner, on adultery charges, or bigamy charges from husbands who originally granted a divorce but changed their minds when the divorced wife remarried. Women also faced bigamy charges from husbands who had deserted their wives and then reappeared after the wives had remarried. Many imprisoned women were also accused of murdering their husbands.

In 2005 police in Ghazni Province discovered Agela, a 13-year-old girl who was sentenced to five years in prison after her much-older, former husband had the girl and her new husband arrested. At five years of age, Agela's family had married her to a 55-year-old man. When Agela was eight, the man changed his mind about the marriage and arranged for Agela to marry a younger man. She obtained a divorce and remarried. However, after returning from two years in Pakistan, the older man changed his mind and had her and her new husband arrested.

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 concept of women's shelters was still not widely accepted in society, as many people 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 to do no 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 largely not socially accepted. On January 24 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 in communities.

There were growing concerns about women committing self-immolation, most often to escape from oppressive family circumstances such as forced marriage. Although comprehensive statistics remained unavailable, the AIHRC documented at least 106 cases of self-immolation nationwide this year, and other organizations have reported an overall increase over the past two years. According to the AIHRC, Herat demonstrated the highest number of documented cases; however, AIHRC officers believed that incidence was actually higher in Kandahar province, although fewer cases were reported because it was less acceptable in more conservative areas like Kandahar to draw public attention to family disputes. In Herat the average number of cases was 18 to 20 per month but not all were formally reported. The AIHRC found most self-immolations occurred to escape abusive marriages and to avoid marrying husbands that the victims did not want to marry. UNIFEM reported that over 65 percent of the 50,000 widows in Kabul view suicide as their only option to staying in abusive or forced marriages.

Prostitution was illegal but common. Many observers, journalists, and international organizations also believed that "temporary marriages" were a form of prostitution. Temporary marriages allowed for short-term marriages, from a day to a few months, in exchange for a dowry. Some Chinese restaurants were believed to serve as fronts for brothels where prostitutes were solicited.

Trafficking in persons remained a growing problem. The Ministry of Foreign Affairs (MOFA) and International Organization for Migration (IOM) reported that there was an increase in the trafficking in women for commercial sexual exploitation during the year (see section 5, Trafficking).

There was no law specifically prohibiting sexual harassment. Sexual harassment of Muslim women was not generally viewed as socially acceptable. There were reports of harassment of foreign women.

The MOWA is the primary government agency responsible for assessing and combating the needs of women and had provincial offices open in most provinces; however, the organization suffered from a severe lack of capacity and clear definition of how it could best meet the needs of women. Several international organizations and foreign embassies were working to address its funding and capacity needs. The (MOFA) also had a unit that deals with women's issues.

While local family and property law is not explicitly discriminatory towards women, in most parts of the country where knowledge of the actual law was minimal, elders relied on Shari'a law and tribal custom, which often was discriminatory towards women. For example rape cases require that a woman produce multiple witnesses to the incident while the man can simply claim that it was consensual sex often convicting the woman of adultery without any witnesses. On the whole, women reported having little to no access to justice at all in tribal shuras, where all presiding elders were men, and women in some villages were not allowed to approach them for dispute resolution. Discrimination against women in some areas was particularly harsh. Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture; in some areas, women were forbidden to leave the home except in the company of a male relative (see section 2.d.). In 2005 according to the Institute for Media, Policy and Civil Society, women in Logar were prohibited from traveling to the area of town where a community radio station was based, and male journalists often were not allowed to interview women for their reports. Also in 2005 in Paktika Province, female parliamentary candidates reported that women were not allowed to leave their homes, were forbidden from attending schools, and needed the permission of their male elders to conduct activities outside the home. UNAMA reported that male relatives had forbidden some female students in Kabul from attending universities outside the country. During the year fewer girls were permitted to attend school in the southern provinces than in other parts of the country.

In 2004 the Government established the first unit of female police, and small numbers of women began to join the police force during the year. However, there were reports that female police officers found it difficult to be accepted as equals among their colleagues. For example in 2005, six female police officers in Kunduz faced discrimination and hostility, and spent the first four months on the job cleaning the police station. They were paid $60 (3,000 AFNs), $10 dollars (495 AFNs) less than their official salary, and they were forced to wear burqas over their uniforms under threats of violence. The MOI reported that female recruitment was difficult because of cultural differences. Female officers often complained of disparate treatment by superiors and a lack of respect from their colleagues. There was one female Brigadier General among the ranks of the ANP.

While some women continued out of personal choice to wear the burqa, many other women felt compelled to wear one out of fear of harassment, violence, or bringing shame to their families. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam and local custom continued to diminish.

The Department of Commerce had a Department of Women's Entrepreneurship. Several women served on the board of the Chamber of Commerce.

Children.—The Government demonstrated an increasing commitment and willingness to address the concerns of vulnerable children and their families; however, a report released early this year by the AIHRC asserted that the country's civil code did not adequately address the rights of the child independent of family or property management issues. On May 16, the Government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Martyrs, Disabled and Social Affairs, with support from UNICEF and other partners, in order to improve care for vulnerable children and families.

The law makes education up to the secondary level mandatory, and provides for free education up to the college, or bachelor's degree level. According to the MOE

there were 9033 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 over 5.2 million during the year. This year UNICEF estimates that two million children (54 percent) were out of school, including 1.3 million girls. According to figures from the MOE, 40 percent of teachers were professionally accredited.

The MOE estimated female attendance at 40 percent this year. UNICEF estimates break this down further to show that 40 percent of girls attended primary school, while only 5 percent went on to attend secondary school. The World Bank and many NGOs estimated female attendance at 32 to 35 percent. Estimates of female literacy varied from 5 to 13 percent.

In most of the country girls' enrollment may have increased as a result of international donor efforts in school rehabilitation, teacher training, and increased education provision using NGOs. Current accurate nationwide enrollment information was not available at the end of the year. Nearly a third of districts and some provinces had no schools for girls to attend, and even in secure areas such as Kabul, some male family members did not allow girls to attend school. Even though the number of girls attending school increased, large disparities in access still remained from province to province, with enrollment as low as 15 percent in some areas.

In most regions boys and girls attended primary classes together, but were separated for intermediate and high school level education. According to the UN schools continued struggling with high drop-out 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 and 13.

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. The majority of school-related violence occurred in 11 provinces in the south (Helmand, Farah, Zabul, Kandahar, Uruzgan, Ghazni) and the border region (Paktia, Paktika, Khost, Kunar, Logar). The MOE reported that 198 schools were attacked during the year and a total of 370 schools had been closed during the year due to attacks, preventing almost 220,000 students from receiving an education.

On January 3, militants beheaded Malim Abdul Habib, the headmaster of a coed high school in Zabul province. Prior to his murder, Habib had also been warned to stop teaching girls at the school. In July militants abducted six teachers and blindfolded and beat them. Also in July a time bomb killed a female student at Herat University. On August 8, unknown attackers kidnapped the district-level director of education from the district of Qarabagh in Ghazni province. He was found dead two days later, having been beaten and shot. His assailants had apparently warned him to stop educating girls prior to killing him, but he had refused. "Night letters," a common form of intimidation by posting anonymous letters issuing threats around a town during the late hours, have also surfaced threatening the female provincial Director of Education for Ghazni, Fatima Mushtaq. On December 9, two female teachers were killed in Kunar province. According to press reports the two women had received death threats warning them to stop educating girls but had refused to obey. Gunmen reportedly entered their home and killed the two teachers, along with three other family members. At year's end the Government was still investigating this case.

According to a HRW report on attacks on schools, there were entire districts where attacks by Taliban and other insurgents led to the closing of all schools. In others female pupils were being withdrawn because of a lack of security. Even more common were threatening "night letters," alone or preceding actual attacks, distributed 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. Afghan education officials have stated that attacks averaged one school a day. In areas where students did attend school, the quality of education was extremely low. Where schools did remain open, parents were often afraid to send their children—in particular, girls-?to school.

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. Infant mortality statistics remained bleak. UNICEF estimated that one child out of four did not survive to his or her fifth birthday. A Ministry of Health survey revealed that 54 percent of children under age five 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. For example, in 2005 a six-year-old girl's parents traded her to another family to work as a housemaid after the girl's brother backed out of an engagement with that family's daughter. Although against the law, corporal punishment at schools was not uncommon. Some children reportedly had their hands struck while others were tied and had the soles of their feet beaten. According to July news reports, a nine-year-old girl in Herat was beaten so many times in school she was scared to go back. According to a recent UNHCR report, the practice of using young boys as objects of pleasure by commanders, tribal leaders, and others was more than a rare occurrence. Such relations were often coercive and opportunistic in that more influential, older men were taking advantage of the poor economic situation of some families and young males, leaving them with little choice. There were also a few documented cases of abduction of young boys for sexual exploitation by commanders. The MOI recorded at least 130 cases of rape of young boys during the year. There were no child labor laws or other legislation to protect child abuse victims (see section 6.d.).

Prevention of child abuse was addressed in the NSFCAR. The Ministry of Public Health trained over 1,600 health workers on prevention of child abuse and violence against children. UNICEF and Save the Children supported the MOE's efforts to prevent violence in schools by doing workshops on alternatives to corporal punishment and degrading children to encourage good behavior. The Government also participated in the South Asia Regional Consultation on Violence Against Children in both 2005 and this year.

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. Measures were taken to standardize the legal age for marriage for both boys and girls. At year's end, the AIHRC and women and child advocacy groups had negotiated a draft law that would change the legal age of marriage for both girls and boys to 18. At year's end, the draft legislation had not yet been passed.

Previous draft legislation set the legal age at 18 for boys but 17 for girls. According to 2005 UN and government figures, most marriages continued to involve girls below the age of 16, many of them forced. Surveys conducted by the AIHRC found that many girls aged six to seven were forced to marry men several decades older. In June the Government set up a working group on "early and forced marriages" under the Ministry of Labor and Social Affairs (MOLSA) and the Ministry of Martyrs and Disabled (MOMD). Additionally President Karzai made several public statements that it was an unjust practice that was contrary to Islam.

The AIHRC conducted a study on child sexual abuse this year revealed that girls were more vulnerable than boys. Sixty 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. Five percent of victims said a female cousin had been sexually abused, and 2.7 percent of victims said a male cousin had also been sexually abused. When asked where the abuse took place, 45.5 percent of child victims had been sexually abused at home. Abuse in alleys or villages (27 percent), by shopkeepers in stores (10.8 percent), mountainous areas (8.3 percent), and hotels (2.7) percent was also common. 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 ten 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 three years."

While there were no documented cases of child trafficking during the year, most experts believe the practice was widespread and continued to be a problem during the year (see section 5, Trafficking).

A 2003 Presidential decree prohibited the recruitment of children and young persons under the age of 22 into the army; in the middle of the year the legal recruitment age was changed 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 during the year. There were no reports of forced child conscription. UNICEF maintained that efforts to assist the Government in creating a national birth registry and ID system would greatly mitigate this problem.

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. This year UNICEF supported educational and skills training for over 3,750 demobilized child soldiers and other war-affected children (1,162 of which were girls) in eight provinces. Since 2004 over 12,090 children affected by war have been supported through UNICEF's reintegration project in 28 provinces.

Child labor remained a problem (see section 6.d.). According to UNICEF estimates, at least 20 percent of primary school age children undertake some form of work.

Living conditions for children in orphanages were not satisfactory, and they did not have access to health services, recreational facilities, or stimulation. According to a study conducted by UNICEF and MOLSA in 2003, 8,000 children were living in residential care facilities. The MOLSA operated 52 orphanages across the country. UNICEF estimates that some 80 percent of the 8,000 children currently living in orphanages have at least one living parent. Thus, the NSFCAR strongly advocates for 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.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, traffickers could be prosecuted under other laws, including statutes against kidnapping. In late 2005 the AIHRC worked with the Government to draft a National Plan of Action that included benchmarks and objectives for each governmental organization to work towards. One of those objectives included having the country removed from the UN blacklist. The country was a source and transit point for trafficked persons. Trafficked children were believed to most frequently be sent to Pakistan, Iran, and the Gulf states for commercial sexual exploitation, forced begging, or camel jockeying. The lack of systematic monitoring prevented a quantitative assessment of the scale of the problem. What little data were available suggested that trafficking in children, mainly boys for labor, was the predominant form of trafficking across borders. Buying and selling of women and girls also continued. Internal trafficking of children for commercial sexual exploitation, forced begging, and bonded labor remained a problem. There were no official estimates of the number of children involved in the sale and trafficking of drugs, however children under 18 have been arrested for drug trafficking related charges (see section 6.d). The Government did little to combat trafficking in persons, mainly as a result of a lack of capacity in the Government, a corrupt, weak judicial system, and the poor security situation. The MOI reported 231 cases of trafficking during the year for which 340 people were arrested. There were no available statistics on convictions.

There were continued reports of poor families promising young girls in marriage to satisfy family debts. There were a number of reports that children, particularly from the south and southeast, were trafficked to Pakistan to work in factories, or internally for commercial sexual exploitation in brothels.

A 2005 Presidential decree mandates the death penalty for child traffickers convicted of murder and provides for lengthened prison terms for child traffickers. Although prosecutions of traffickers reportedly continued to increase, and the Government devoted greater attention to trafficking in persons during the year, prosecution of perpetrators also continued to be inconsistent. At year's end work on a new trafficking in persons law was pending completion. Between March and December 2005, the AIHRC and UNICEF received more than 150 reports of child trafficking, and reported approximately 50 arrests of child traffickers. The AIHRC tracked and investigated cases of child abduction and worked to assist in international investigations of trafficking. The MOI, MOLSA, and MOFA have units responsible for monitoring and combating trafficking issues. There is an inter-ministerial committee on trafficking comprised of these ministries as well as the MOJ, MOWA, MRA, Ministry of Refugees and Returnees, and Ministry of Finance.

Some government officials were believed to be involved in trafficking in persons, particularly border guards who took bribes to allow traffickers to cross into Iran and Pakistan with victims and officials who issued false marriage licenses to traffickers.

Trafficking victims, especially those trafficked for sexual exploitation, faced societal discrimination, particularly in their home villages. The country did not have a shelter dedicated for trafficking victims, and some adult victims were arrested and jailed for engaging in prostitution.

In 2005 authorities repatriated 317 children from Saudi Arabia, Pakistan, Zambia, UAE and Oman. The MOLSA, 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.

Persons With Disabilities.—The law requires the state to assist persons with disabilities and protect their rights, including healthcare and financial protection under the constitution. The Government took no measures to mandate accessibility to buildings for persons with disabilities.

According to the MOMD 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. Domestic NGOs offered privately funded trade classes. 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 MOMD worked within the framework of the UN 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 MOMD 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 minister for the martyred and disabled.

The Afghanistan Landmine Monitor Report stated that the rehabilitation and reintegration needs of mine survivors and other persons with disabilities also 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.—During the year 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. There were no further developments in the 2004 accusation by Pashtuns in Herat Province that then governor, ethnic Tajik Ismail Khan, discriminated against and abused their ethnic group. The nomadic Kuchis expressed concern that the voter registration process underrepresented their population; however, 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 commanders caused displacement in isolated situations. Discrimination, at times amounting to persecution, by local commanders and local power-holders continued in some areas, in the form of extortion of money through illegal taxation, forced recruitment and force labor, physical abuses and detention. Other forms of discrimination concerned access to education, political representation and civil service employment.

Also according to a recent UNHCR report, while Ismailis were not generally targeted or seriously discriminated against, they continued to be exposed to risks. In Baghlan Province, local commanders 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 local commanders. In Tala-wa-Barfak District, cases of rape of Ismaili women have been reported, with perpetrators acting with impunity.

Other Societal Abuses and Discrimination.—The law criminalizes homosexual activity; however, the prohibition was only sporadically enforced. However, a recent UNHCR report noted that, homosexual persons commonly 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 the year 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. 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 employ-

ers in Kabul were the minimally functioning ministries and local and international NGOs. Labor law does allow unionization and the formation of associations that pursue mutual vocational interests.

b. The Right To Organize and Bargain Collectively.—As a consequence of 25 years of war, occupation, and civil strife, the industrial base was long since erased by the time the Taliban fell in 2001; the social role of unions was ruined along with the economy. There was only one semi-active 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. CCNUAE reported membership of 200,000 government workers and employees of state-owned enterprises. As a practical matter, this 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 survived mostly on proceeds from real properties and other investments. The Government allowed CCNUAE to operate without interference. The country lacked a tradition of genuine labor-management bargaining, and the law does not provide for the right to strike. 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 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 (see section 5, Children). There were reports of women being given away as laborers to other family in order to settle disputes.

d. Prohibition of Child Labor and Minimum Age for Employment.—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. Children under 13 may not work under any circumstances. There was, however, no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. In 2005 UNICEF reported there was an estimated one million child laborers under the age of 14 in the country. UNICEF estimate, at least 20 percent of primary school age children undertake some form of work. An AIHRC report released this year estimated that most child laborers worked as street vendors (13 percent) or shop keepers (21 percent). Other common forms of labor were workshop hands, 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. Eighty-six percent of child laborers were boys, and 14 percent were girls.

While no statistics exist, children under 18 have been arrested for drug trafficking related charges. AIHRC reported that in Kabul there were about 60,000 child laborers, the majority of whom migrated to the city from other provinces. Many of them worked under unscrupulous employers who subjected the children to sexual exploitation and forced labor. UNHCR reported that many children worked on the streets of Kabul, Jalalabad, and Mazar-i-Sharif with numbers increasing. The child labor force was predominantly boys aged 8–14 with a smaller number of girls 8–10 years old.

According to a UNHCR report, the majority of child laborers were involved in domestic work. MOLSA officials reported that the Government was working to tackle the problem of child labor. The NSFARC 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 also contributed to the prevention of exploitative child labor.

e. Acceptable Conditions of Work.—No information existed regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many employers allotted workers time off for prayers and observance of religious holidays. Minimum wage was 5,000 Afghani per month (approximately U.S. $100/month), including a stipend for lunch and transportation expenses. 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 one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, breast feeding mothers, miners and other occupations that present health risks to laborers. En-

forcement mechanisms for these laws remained weak and citizens were not generally aware of the full extent of their labor rights under the law.

BANGLADESH

Bangladesh is a parliamentary democracy of 147 million citizens. Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), stepped down as prime minister on October 27 when her five-year term of office expired, and she transferred power to a caretaker government that would prepare for general elections in 2007. The civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, and the Government continued to commit numerous serious abuses. Extrajudicial killings, arbitrary arrest and detention, and politically motivated violence were among the most egregious violations. Security forces acted with impunity, and committed acts of physical and psychological torture. In addition violence against journalists continued, as did infringement on religious freedoms. Government corruption remained a significant problem. Violence against women and children also was 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), and the Rapid Action Battalion (RAB) used unwarranted lethal force.

Although there was a decrease in the number of killings by security personnel (see section 1.c.), nearly all incidents received only administrative investigation. According to local human rights organizations, no case resulted in criminal punishment, and in the few instances in which charges were levied, punishment of those found guilty was predominantly administrative. The resulting climate of impunity remained a serious obstacle to ending abuse and killings. According to press reports and law enforcement agencies, the RAB, a paramilitary group composed of personnel from different law enforcement agencies, killed 355 persons. The deaths, all under unusual circumstances, occurred to accused persons while in custody or during police operations; however, the Government described the deaths of some identified criminals as occurring in exchanges of gunfire between the RAB or police and criminal gangs.

"Crossfire" became a euphemism in the local media for extrajudicial killings, particularly by the RAB. Press reports of crossfire followed a similar pattern: members of the RAB arrested or ambushed suspects, who were then killed in the crossfire as they tried to escape. Law enforcement officials were responsible for 355 deaths, 290 of which were attributed to crossfire. The RAB was responsible for 181 crossfire deaths; members of the police were responsible for 100; other security forces were responsible for nine crossfire deaths. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire under RAB or police custody could not be considered custodial death, no member of the RAB has been prosecuted for a killing. According to press reports, citizens filed 145 formal complaints against the RAB this year. At year's end 45 of these had been dismissed and the rest were pending.

Between January and April, security forces killed 17 people and injured over 100 civilians in Kansat, Chapainawabgonj, during demonstrations against electricity shortages. The deputy inspector general of police of Rajshahi Division dismissed Shahabuddin Khalipha, officer-in-charge of the Shibiganj police station, for his role in the deaths.

On March 9, members of the RAB shot and killed Iman Ali as he was leaving his court hearing. The RAB unit claimed that Ali was killed in a crossfire shooting, but witnesses contested this claim. On March 22, Iman's brother Nazrul Islam lodged a petition with the Metropolitan Session Judge's Court, alleging that his brother was killed by the RAB. As of year's end, there had been no investigation of this case.

On September 1, according to the Asia Human Rights Commission (AHRC), members of the RAB shot and killed Abdul Hawladar and Md Shamin in Khulna. The RAB claimed that Hawladar and Shamin were involved in extortion using mobile phones, a charge that local human rights observers contested. RAB officials claimed that once they arrested Hawladar and Shamin and took them to the Baro Khalpar

area, terrorists opened fire on the RAB, which responded with gunshots. At year's end the Government had taken no action to investigate this case.

In June the Dhaka Chief Metropolitan Magistrate's Court issued a judicial inquiry into the case of Abdul Kalam Azad in response to a petition filed by the family of an Awami League (AL) member killed in 2005. In May 2005 citizens found the body of an individual named Sumon, a member of the opposition AL youth front, in Banosree, a day after his arrest by a RAB team in Khilgaon. While eye-witnesses told independent human rights investigators that the RAB arrested Sumon at work, RAB members said Sumon was working with a gang of criminals and alleged he died in crossfire.

There were no updates for the February 2005 death in custody of Delawar Hossain; the July 2005 extrajudicial killing by the detective branch (DB) of Dhaka Metropolitan Police (DMP) of Khandker Iqbal Hossain; or the 2004 extrajudicial killings by RAB forces of Sumon Ahmed Majumder and Pichchi Hannan.

Violence often resulting in deaths was a pervasive element in the country's politics (see sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. According to human rights organizations, politically motivated violence accounted for 224 deaths and 13,152 injuries during the year (see sections 1.c., 1.d., and 2.a.).

On July 2 during an opposition-organized transportation blockade, a police officer and an opposition activist were killed in separate incidents (see section 2.b.).

In two incidents in September, clashes between opposition activists and police resulted in hundreds of injuries (see section 2.c.).

On September 23, unknown assailants shot Aftab Ahmad, a Dhaka University professor of political science, in his home in Dhaka. He later died from his wounds. Aftab was well-known for his progovernment political views, and police suspected a political motive for the attack. At year's end no action had been taken on this case.

There were several developments regarding the January 2005 deaths of former finance minister and AL leader Shah A.M.S Kibria and four others in Habinjanj. In April 2005 police charged 10 persons, mostly local BNP leaders, for their alleged involvement in the attack. Eight of the 10 were arrested, and the remaining two remained at large. During the year the case against the eight persons arrested went before the Sylhet Divisional Speedy Trial Tribunal. During the trial the complainant, Abdul Majid Khan, asked the tribunal for reinvestigation of the case, which the judge rejected. The following day the tribunal judge adjourned the trial because the complainant filed a petition asking for a four-week suspension to appeal the rejection for reinvestigation to the Supreme Court. On November 7, the Supreme Court hearing began.

On September 3, police arrested four members of the banned militant Islamist organization Harkatul Jihad al Islami (HuJi) for complicity in the 2004 bombing of a Muslim shrine in Sylhet. One of the four people arrested admitted involvement in the Kibria murder. Press reports alleged that the HuJi planned to kill top AL leaders as part of a plan to kill secular leaders in the country.

There was no investigation of charges filed in the May 2005 killing of Khorshed Alam Bachchu, who was shot by unknown gunmen near his home in Dhaka. Bachchu was the AL's Dhaka legal affairs secretary.

There were several developments related to the August 2005 coordinated bombings in 63 of the country's 64 districts, when two persons were killed and approximately 100 others were wounded. Leaflets found at the sites of the bombings indicated that the Jamiatul Mujahideen Bangladesh (JMB), a recently outlawed Islamic militant group seeking to impose Islamic law (Shari'a), coordinated the attacks. At year's end 698 people had been arrested in connection with these and a subsequent series of bombings attributed to the JMB (see section 1.e.). The courts issued 32 death sentences, 62 life imprisonment sentences, and 59 other sentences of varying durations. Those sentenced to death included Bangla Bhai, a vigilante who in 2004 began his own anticrime campaign, initially with the support of the police, and later with the support of JMB leader Shaikh Abdur Rahman.

There were several developments regarding the 2004 grenade attack at a rally in Dhaka which killed at least 20 persons, including the AL women's affairs secretary, Ivy Rahman, and injured several hundred others. By the end of 2005, authorities had arrested 20 persons in connection with this attack. As of September all but three persons had been released, and no charges had been brought against anyone in the attack.

On September 3, police arrested four suspects allegedly involved in the 2004 explosion at a Muslim shrine that killed several persons and injured dozens of others, including the British high commissioner to the country. The four persons arrested

later admitted involvement in the attack. The four were linked to HuJi. One of the four arrested was also linked to the Kibria killing.

Vigilante killings were common. Newspapers reported 66 such incidents in the first eight months of the year. According to newspaper reports, on September 11, robbers broke into a house in Banshkhali. A neighbor called for help by using the local mosque's speakers, and a group of villagers intercepted several of the robbers, killing two and injuring a third. On May 18, three persons attempted to steal a motorcycle in Sylhet. Local villagers placed a barricade in the road to stop the theft, and captured the three muggers. The villagers beat the men, and one of them, Selim Ahmed, died the next day from his injuries, according to press accounts.

Violence along the border with India remained a problem. According to local human rights organizations, the Indian Border Security Force (BSF) killed 147 citizens and injured 144. According to human rights organizations, BSF members and Indian-based gangs believed to be affiliated with the BSF killed approximately 600 persons and injured 675 in border villages from January 2000 through year's end.

b. Disappearance.—Disappearances and kidnappings remained serious problems during the year. According to human rights organizations, 411 people were kidnapped during the year. Of those 48 were kidnapped allegedly for political reasons, and five persons were believed to have been killed. Child kidnapping for profit also continued to be a problem. According to local human rights organizations, during the year 93 children were kidnapped.

On May 7, Chhatak police in the Sunamganj district allegedly neglected to act on the report of Tera Mian's disappearance. The previous night, according to the AHRC, police refused to file a report regarding the disappearance after they were informed. On May 8, villagers found Mian's body in Haor, and police filed a complaint against the alleged perpetrators. According to local human rights organizations, police failure to act on the initial report of disappearance may have contributed to Mion's death.

On August 22, in the Chittagong Hill Tracts, supporters of the United People's Democratic Front (UPDF) engaged in a gunfight with supporters of the Parbatya Chattagram Jana Sanghati Samiti (PSJSS). During the clash an armed UPDF group abducted six PSJSS supporters. By year's end, all had been released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits torture and cruel, inhuman, or degrading punishment, security forces, the RAB, and police routinely employed severe treatment as well as psychological abuse during arrests and interrogations. Abuse consisted of threats and beatings and the use of electric shock. According to human rights organizations, security forces tortured 45 persons during the year, 14 of whom died. (see sections 1.a., 1.d., and 2.a.). The Government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such police abuses to continue.

On February 15, RAB members arrested Asraf Hossain Khan, a local AL official in Munshigonj, on suspicion of theft. According to human rights organizations, security forces transferred Khan to the Vuggykul RAB–8 office, where they blindfolded and beat him. Security forces brought Khan to a field outside of town and twice used the threat of a staged crossfire death against him. Khan was released after local supporters blocked a road into town and demanded his release. A doctor who treated Khan verified that he appeared to have been mistreated. No charges were filed against the RAB.

On July 20, members of the RAB arrested and severely injured Kishore Kumar Das. The RAB reportedly searched Kishore's house and found several tin tobacco containers, which RAB officials said were handmade bombs. On July 23, the RAB transferred Kishore to police who found Kishore to have severe injuries. The RAB claimed that Kishore was injured while attempting to flee at the time of his arrest. The High Court Division of the Supreme Court asked that authorities explain the grounds on which Kishore was arrested and whether he was held illegally. The President of the Bangladeshi nongovernmental organization (NGO) Human Rights and Peace for Bangladesh (HRPB), Manzil Murshid, filed an affidavit as plaintiff against the Government, claiming the RAB failed to follow the Code of Criminal Procedures. The court directed the law enforcers, specifically the RAB, to follow the Code of Criminal Procedures in future arrests.

On June 22, according to the AHRC, police in Kurigram District arrested Tajul Islam. When his brother, Kasim Uddin, went to the police station to request Islam's release, the subinspector allegedly kicked Uddin in the genitals. Subsequently, other police beat Uddin with sticks and boots until he died. Kurigram District officials said they arrested and suspended Si 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.

Odhikar, a local human rights NGO, recorded two incidents of rape by law enforcement personnel from January to August. Most NGOs believed the actual number of sexual assaults was higher than reported due to strong social taboos.

There were developments in the July 2005 rape case against Nurul Islam. In July 2005, Nurul Islam, a riot police officer, told a woman he found at a bus station in Dhaka that he wanted to hire her as domestic help. Instead of escorting her to his home, the officer took her to a hotel and raped her with the assistance of a male hotel employee. The woman filed a rape case that resulted in the arrests of Islam and the hotel employee. At year's end Islam was in jail pending trial, and the hotel employee had been released on bail.

Law enforcement personnel accused of rape and torture generally were not investigated. In some cases police detained women in safe custody after they reported a rape, but the safe custody often translated as confinement in jail cells where they endured poor conditions and were sometimes abused and raped again (see section 5).

Prison and Detention Center Conditions.—Prison conditions were abysmal and were a contributing factor to custodial deaths. According to press reports, 52 persons died in prison and 162 died while in the custody of police and other security forces (see section 1.a.). All prisons remained overcrowded and lacked adequate facilities. According to the Bangladeshi Society for the Enforcement of Human Rights (BSEHR), the existing prison population of 72,013 was more than 250 percent of the official prison capacity. Of the entire prison population, 23,659 had been convicted, but the rest were either awaiting trial or detained for investigation. In most cases cells were so crowded that prisoners slept in shifts.

Juveniles were required by law to be detained separately from adults; however, in practice due to a lack of facilities, 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 (ICRC). 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 law prohibits arbitrary arrest and detention; however, authorities frequently violated these provisions, even in nonpreventive detention cases. The law specifically allows preventive detention, with specified safeguards, and provides for the detention of individuals on suspicion of criminal activity without an order from a magistrate or a warrant. The Government arrested and detained persons arbitrarily and used national security legislation such as the 1974 Special Powers Act to detain citizens without filing formal charges or specific complaints.

Role of the Police and Security Apparatus.—Police were organized nationally under the Ministry of Home Affairs (MOHA) and had a mandate to maintain internal security and general law and order. Police were generally ineffective, reluctant to investigate persons affiliated with the ruling party, and used frequently for political purposes by the Government.

The RAB, a better-equipped paramilitary unit drawing personnel from various police units and security agencies, including the military, developed plans for overall police reform, but few concrete steps were taken to address human rights problems. The RAB committed serious human rights violations.

There was widespread police corruption and a severe lack of training and discipline. The police often acted outside the law. For example, police frequently beat rickshaw drivers with batons for minor infractions or punctured their tires. Victims of police abuse were reluctant to file cases against police, as there was no independent body charged with investigation of criminal allegations against members of the police force. There were no developments during the year regarding the legality of the Joint Drive Indemnity Act, which barred persons from seeking remuneration for human rights violations that occurred during Operation Clean Heart in 2003.

Police abuse of authority was common. For example, on October 2, police entered the National Shooting Federation Complex in Dhaka and severely beat 25 club members, including Commonwealth Games gold medalist Asif Hossain Khan. The incident began when the wife of police Special Branch Deputy Inspector General Sadiqur Rahman had her driver park her official vehicle in front of the complex. A security guard asked the driver to move, and a fight ensued. According to press reports, police, led by Subinspector Jasim and Gulshan Deputy Commissioner (DC) Obaidur Rahman Khan, used batons to beat club members. Asif was detained along with five others and taken to the Gulshan police station. According to Asif the police

severely beat those detained with sticks. The five were later admitted to the hospital with arm fractures, head wounds and other injuries. The police filed charges against three club members, including Asif. At year's end there has been no investigation of police conduct.

There were also widespread reports of increased politicization of the police. According to media reports, in August the Home Ministry sent letters to all district superintendents of police asking for analyses of the results of the last three elections, including the deficiencies of losing candidates and positive attributes of the winners. The superintendents reportedly passed the requests to the field for officers to collect the data.

Police often used unwarranted force to suppress demonstrations. For example on March 30, police attacked opposition protestors in Dhaka. The protestors were staging a sit-in around the Government secretariat building in defiance of a court order banning the demonstration. Police initially tried to use batons to disperse the crowd and then fired tear gas shells and rubber bullets at demonstrators. Clashes spread from the secretariat to other parts of Dhaka as police pursued the protestors. Over 100 people, including protestors, police, and journalists, were injured in the day-long series of clashes.

On August 26 in Phulbari, police and members of the BDR opened fire on a crowd protesting the establishment of an open-pit coal mine, killing five persons and injuring 100 others. After several days of violence, the Government began negotiations with the protesters and eventually announced the cancellation of the mining project. No charges were filed against the police, BDR, or magistrates for the deaths of the protesters.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and from fear of retribution against them or their families. This created a climate of impunity for police.

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 regularly arrested persons without formal charges or specific complaints. Section 144 limits gatherings of more than four people. Authorities misused ordinances during the year, and mass arrests, often politically motivated, continued to occur. According to official statistics, the RAB made more than 11,000 arrests since April 2004, including five individuals whom the Government termed "top terrorists" and 419 "other terrorists."

According to Odhikar, during the year police arrested more than 3,900 persons under Section 54. According to the local human rights organization Ain o Shalish Kendro (ASK), the Government used Section 144 to ban assemblies of more than four people 164 times during the year.

Authorities sometimes used Sections 54 and 86 to detain persons on false charges in order to suppress the expression of views critical of or different from those of the Government. According to ASK police in Dhaka arrested large numbers of opposition party members prior to opposition rallies throughout the year. The law provides for the right to a prompt judicial determination; however, this was rarely enforced.

According to Odhikar police detained 28,651 people in mass arrests throughout the year. On June 11, according to 14 local human rights organizations, the Government began a program of mass arrests in Dhaka ahead of an opposition-organized rally. According to these groups, law enforcement officials used block raids and checkpoints to arrest over 700 people coming to Dhaka to participate in the rally. Human rights organizations reported that these persons were later released.

In September according to local human rights organizations, in anticipation of opposition protests in Dhaka, the Government indiscriminately arrested hundreds of persons, including opposition activists and NGO supporters, on old cases or false charges such as theft. Most detainees were released within a few days. Human rights organizations reported that the arrests were used to intimidate opposition activists from coming to Dhaka to participate in the protests.

In mid-September police throughout the country arrested 172 workers at different offices of the NGO Proshika, according to press reports. The Government allegedly launched the crackdown because it believed Proshika intended to participate in an opposition protest at the Prime Minister's office on September 12. The accused were detained on suspicion of theft, vandalism, and destruction of property. The Government closed 200 offices of Proshika because employees feared arrest. All Proshika employees arrested were freed or released on bail pending the filing of charges.

Under the Special Powers Act, the Government or a district magistrate may order that a person be detained for 30 days to prevent the commission of an act that could threaten national security; however, detainees were held 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 four months. Detainees had the right to appeal.

There was a functioning bail system in the regular courts, although under certain security and criminal law, a non-bailable period of detention existed. Criminal detainees were granted access to attorneys; however, detainees were not entitled to be represented by an attorney before an advisory board. State-funded defense attorneys rarely were provided, and there were few legal aid programs to offer financial assistance. Lawyers usually were allowed only after charges were filed. Legal representatives were granted access to their clients arrested under Section 54, but in practice police rarely allowed lawyers to confer with their clients arrested under these sections of the law. Arbitrary arrests were common. The Government also used serial detentions to prevent the release of political activists (see section 4).

The Government used Sections 54 and 86 to harass and intimidate members of the political opposition and their families. Police detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over (see section 2.b.).

It was difficult to estimate the total number of those detained for political reasons. Many activists were charged with crimes, and many criminals claimed to be political activists. Most such detentions appeared to last for several days or weeks, and defendants in most cases received bail; however, acquittal or dismissal of wrongful charges took years.

Arbitrary and lengthy pretrial detention remained a problem. The backlog of criminal cases was approximately 43,000 in Dhaka alone. In addition, the Ministry of Law estimated that approximately 1,200 prisoners had made no court appearance in at least six months, and many had served longer in pretrial detention than they would have had they been convicted and given the maximum sentences for their alleged crimes. According to Odhikhar approximately 75 percent of prison inmates were in pretrial detention.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice a longstanding temporary provision of the constitution places the lower courts under the executive, and the courts were subject to executive influence largely because judges' appointments and their pay were dependent on the executive. The higher levels of the judiciary displayed some independence and often ruled against the Government in criminal, civil, and politically controversial cases. Corruption, judicial inefficiency, targeted violence against judges, and a large case backlog were serious problems.

In November 2005 a suicide attack killed two judges in Jhalakati. Also that month, four suicide attackers killed two policemen at the courthouse in Chittagong and several attorneys inside the courthouse in Gazipur. In December 2005 unknown assailants attacked the municipal complex in Gazipur housing the courthouse. On May 29, an additional district and sessions court judge in Barisal gave death sentences to seven people, including Bangla Bhai and Shaikh Sabdur Rahman, for their roles in the Jhalakati incident (see section 1.a.).

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consist of magistrates, who are part of the executive branch, and session and district judges, who belong to the judicial branch. The Supreme Court is divided into two sections: the high court and the appellate court. The high court hears original cases mostly dealing with constitutional issues and reviews cases from the lower courts. The appellate court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the high court. Rulings of the appellate court are binding on all other courts.

The Government continued to delay action on the Supreme Court order asking that administrative measures be put in place separating the judiciary from the executive. In October 2005 the Supreme Court refused to entertain the Government's 21st appeal seeking another extension. However, at year's end the Government had failed to pass legislation or provide procedures to comply with this decision to separate the judiciary from the executive. In September 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 of the ruling because of its ramifications for the legacy of former President Ziaur Rahman, the late husband of the 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, and all cases are tried by judges. Trials are public, and defendants have the right to an attorney; however, state-funded attorneys are rarely provided. Under the provisions of the public safety act, the Law and Order

Disruption Crimes Speedy Trial Act (STA), and the Women and Children Repression Prevention Act, special tribunals hear cases and issue verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law was unclear regarding the disposition of the case if it was not finished within the allotted time period. Defendants are presumed innocent, have the right to appeal, and have the right to see the Government's evidence against them.

The court system was plagued by corruption and a substantial backlog of cases, and trials were typically marked by extended continuances. These conditions effectively prevented many persons from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. A September 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 STA (see section 1.d.).

In July 2004 parliament codified the use of Alternative Dispute Resolution (ADR) for civil cases and extended its use to Sylhet and Chittagong. ADR allows citizens to have the opportunity to present their cases before filing for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice. While the ADR system has popular appeal, no independent entity conducted an 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 are similar sets of laws in place for the Hindu and Christian communities.

Political Prisoners and Detainees.—The Government stated that it held no political prisoners; however, opposition parties and human rights monitors claimed the Government arrested many political activists and convicted them on unfounded criminal charges (see section 1.d.). NGOs did not have access to prisoners.

In April 2005 a Dhaka court granted bail to and released journalist Salah Uddin Shoaib Choudhury, who was detained at the airport for his attempted 2003 travel to Israel. Choudhury claimed to have been tortured during his 15-month imprisonment that began in 2003. His trial on sedition charges was scheduled to begin in September but was postponed (see section 2.a.).

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 under the Vested Property Act. Approximately 2.5 million acres of land were seized from Hindus, and almost all of the 10 million Hindus in the country were affected. In April 2001, parliament passed the Vested Property Return Act, stipulating that land remaining under government control that was seized under the Vested Property Act be returned to its original owners, provided the original owners or their heirs who remained resident citizens. The Government was required to prepare a list of vested property holdings by October 2001. In 2002 parliament passed an amendment to the Vested Property Return Act, which allowed the Government unlimited time to return the vested properties and gave control of the properties, including the right to lease them, to local government employees. The Government did not publish a list of vested property under its control and as a result, the original land owners could not reclaim their entitled property (see section 2.c.).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law allowed intelligence and law enforcement agencies to tap phones with the permission of the chief executive of MOHA. The ordinance also gives the Government, in the interest of national security, the authority to prevent telephone operators from delivering messages. In case of national emergency, the Government can revoke any permit to provide communications services without providing compensation to the holder of the license. The ordinance went into effect during a recess in parliament but must be approved as soon as parliament returns to become permanent law.

Police, even in cases not affiliated with the Special Powers Act, rarely obtained warrants, and officers violating these procedures were not punished. RSF claimed that police monitored journalists' e-mail. The Special Branch of the police, National Security Intelligence, and the Directorate General of Forces Intelligence employed informers to report on and conduct surveillance on citizens perceived to be political opponents of the Government.

The Government forcibly resettled people. On March 2, according to press reports, Dhaka City Corporation authorities evicted the dwellers of a slum in the Dhalpur area of Dhaka and demolished their shelters. Two platoons of police and 30 eviction laborers participated in the evictions. The evicted people protested the action.

On June 21, according to press reports, the Capital City Development Authority of Dhaka, a semi-autonomous government development agency, evicted several thousand individuals, including women, children and the elderly, from a slum in the Gulshan area of Dhaka. The shanties were subsequently bulldozed for a development project. Police used batons to quell the eviction victims when they protested.

Police sometimes threatened members of the families of individuals who were wanted by police. During the year there were instances of physical abuse or detention of family members by law enforcement personnel to extract information regarding wanted relatives.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and press; however, in practice the Government limited these rights.

Individuals were not always able to criticize the Government publicly without fear of reprisal, and the Government often attempted to impede criticism by prohibiting or dispersing political gatherings.

There were hundreds of daily and weekly independent publications. Many newspapers were at times critical of government policies and activities, including those of the Prime Minister. In addition to one official government-owned news service, there were two private news services, United News of Bangladesh, which is affiliated with Agence France-Presse, and BD News.

Newspaper ownership and content were not subject to direct government restriction. The Government owned or significantly influenced one radio and some television stations; however, unlike in previous years, these stations did not focus the bulk of their coverage on the Government.

There were six private satellite television stations in operation, and two private radio stations began broadcasting a few hours a day on a trial basis. There were also two foreign-based and -licensed satellite television stations that broadcast into the country and 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. All private stations were also required to broadcast, without charge, selected government news programs and speeches by the Prime Minister and the President as a condition of operation.

Attacks on journalists and newspapers and efforts to intimidate them by the Government, political party activists, and others occurred frequently. Attacks against journalists by political activists were common during times of political violence, and many journalists were injured by police. According to Odhikar, one journalist was killed, 183 journalists were injured, six were arrested, 53 were assaulted, and 114 were threatened during the year.

In its 2005 ranking of press freedom, Reporters Without Borders (RSF) ranked Bangladesh 151 out of 167 countries reviewed. This ranking reflected the lack of freedom for journalists and news organizations and the absence of efforts undertaken by the state to respect and ensure respect for such freedom.

On January 13, gunmen shot and wounded S. Changma Sattyajit, President of the Panchhair Press Club and correspondent of the Daily Samakal, in front of his house in Nalkata. According to media reports, no charges were filed in the case.

On April 16, police injured 20 journalists at a cricket match against Australia. The clash occurred during a protest of a previous attack by police against Prothom Alo photojournalist Shamsul Haq Tanku. According to press accounts, during a lunch break journalists demanded an apology from the police allegedly responsible for the attack on Shamsul. Police, led by Deputy Commissioner Ali Akbar, attacked the journalists, chasing them into a dressing room. Much of the attack was captured on film and received considerable international coverage, particularly in Australia. No charges were initially filed, but as a result of public pressure, on July 12, Home Minister Babar ordered administrative action against Akbar and the other police involved in the incident. The home minister also distributed financial compensation to the victims.

On May 29, BNP activists injured over 25 journalists in Kushtia during a support rally for local journalists at the public library. The rally had been called to support journalists who were being sued for defamation by Member of Parliament Shahidul Islam of the BNP. Earlier in May police had closed a local paper, Andoloner Bazar, critical of Islam, claiming that the paper did not have proper permits. According to video footage, on May 29, a group of men gathered outside the BNP headquarters across the street from the rally, scaled the walls of the library property, and beat individuals with sticks, chairs, and bricks. Police were present but did not intervene once the attack began. Among the injured was Bangladesh Observer editor and then-President of the Bangladesh Federal Union of Journalists, Iqbal Sobhan

Chowdhury. Despite the taped footage of the attack, no charges were filed. On July 12, at a meeting chaired by Home Minister Lutfozzaman Babar, Islam formally apologized to Chowdhury and the other journalists for the attack and agreed to withdraw the defamation cases against the local journalists. However, at year's end the cases had not been dropped.

On May 30, police in Satkhira dispersed a silent procession of journalists protesting the Kushtia attack. Police used batons on the protestors as they tried to enter the deputy commissioner's office to present a letter protesting the Kushtia attack. The journalists then regrouped and formed a human chain to protest the police action.

On October 31, according to press reports, members of the RAB arrested and tortured Focus Bangla journalist Shafiqul Islam, citing section 54 of the criminal code as justification for his detention. While torturing Shafiqul members of the RAB allegedly cited staff reporters from The Daily Star, Sangbad, and Janakantha as their next targets. When he was taken before a judge, Islam said that he was tortured with electric shocks for eight hours by an RAB official. Authorities accused Islam of being in contact with Islamic extremists.

Violence against journalists intensified during the November transition to an interim government. From November 13 to 22, six journalists were targets of attacks and threats. For example, on November 16, local militiamen in Mymensingh attacked and severely beat four journalists: Niamul Kabir Sajal of Dainik Prothom Alo; Babul Hossain of Dainik Janakantha; Mir Golam Mostafa of Dainik Shamokal; and a photographer known as Nuruzzaman. All four journalists were hospitalized and later filed complaints. Authorities arrested six of the assailants, but the leader remained at large. Also, on November 22, six or seven youths armed with bamboo sticks beat Hasibur Rahman Bilu, a reporter for the Daily Star, Radio Today, and Radio Deutsche Welle, as he was leaving a bank in Bogra. Bilu was hospitalized for leg and back injuries. The youths, who were allegedly affiliated with a BNP rally nearby, accused Bilu of reporting against the BNP.

On January 4, the court ordered a new investigation into the 2004 killing of Daily Janmabhumi editor Humayun Kabir Balu in Khulna. A trial had started in the Khulna Speedy Trial tribunal in October 2005, but the public prosecutor was accused of an improper investigation and insufficient evidence. At year's end two suspects were in custody, four had not been located, and two were killed in October and December 2005 in RAB crossfires.

On March 21, the Chittagong Speedy Trial tribunal sentenced one person to death and 11 others to life imprisonment for killing journalist Kamal Hossain in 2004. Fourteen others were acquitted of the crime.

The sedition case of journalist Salah Uddin Shoaib Choudhury was scheduled to begin in January 2007. In 2005 a Dhaka court granted bail to and released Choudhury, who was detained at the airport in 2003 on charges of sedition and attempting to travel to Israel (see section 1.e.).

There were no developments in the 2004 killing of Khulna Press Club President Manik Chandra Saha or the 2004 killing of Daily Durjoy Bangla editor Dipanker Chakrabarty.

Both the BNP and the AL attempted to control access to the media. Both the Prime Minister and Awami League President Sheikh Hasina selectively denied specific television stations access to political meetings.

On October 10, the Government banned the import, marketing, or reprinting of the October 2 issue of the Indian biweekly magazine Desh.

On July 22, Jatiya Party activists seized and destroyed copies of the daily newspaper Prothom Alo after it ran a story claiming that Jatiya Party leader and former President H.M. Ershad had evaded taxes. According to press reports, Jatiya Party supporters barricaded a main road in Magura and stole over 11,000 copies of the paper from a bus. Sagar Gazi, supervisor of the bus company, filed a case with Magura-Sadar police station, accusing the Jatiya Party's district unit general secretary, Hasan Seraj Suja, and 70 others in the crime. No information was available regarding the status of the case.

Foreign publications and films were subject 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.

Over the course of the year, the Government increased efforts to tighten censorship laws. In September the Government passed an act that enabled the Government to suspend broadcast of any private satellite channel for the "public interest." The law permits the Government to shut stations broadcasting "indecent" movies

and programs and prevents the sale of foreign products. The Government also amended the Censorship of Films Act, increasing penalties for showing films, posters or advertisements without censor certificates. In March the Information Ministry ordered an intensification of efforts to censor vulgarity in films playing in movie theaters.

The Government followed no clear policy on issuing television licenses and rarely granted licenses to persons unaffiliated with the Government.

The Government exercised censorship most often in cases of immodest or obscene photographs, perceived misrepresentation, defamation of Islam, or objectionable comments regarding national leaders.

Novelist Taslima Nasreen remained abroad in Kolkata after being freed on bond in 2004 for criminal charges that she allegedly insulted Muslim beliefs (see section 2.c.).

The review of a 2004 ban on Ahmidiyya publications remained pending in the high court at year's end.

Government figures frequently used defamation charges to curb freedom of speech. For example, on February 2, BNP Public Works Minister Mirza Abbas filed a defamation case against the editor of Prothom Alo. Abbas filed the case after the editor published a story alleging that Abbas objected to the construction of a police complex in Razarbagh. The publisher had refused to allow Abbas to publish a response to the story.

On April 2, the chief whip of the parliament, Khondaker Delwar Hossain of the BNP, sued the editors of Prothom Alo, Janakatha, Sangbad, Jugantor, and Ajker Kagoj for defamation because the newspapers had accused Hossain of abusing entertainment allowances and parliament resources for personal gain. Authorities released the editors and staff on bail. The Dhaka Metropolitan Magistrate's Court eventually dismissed the charges, but Hossain filed an appeal petition which was pending at year's end.

In June BNP MP Abdul Mannan filed a defamation case against the editor, publisher, and other staff from the Dainik Jugantor. Mannan accused staff members of the paper of defamation because they published a story on May 31 linking him to heroin smuggling.

Internet Freedom.—There were no direct government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. According to RSF police often misused surveillance of journalists' e-mail (see section 1.f.).

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 law provides for freedom of assembly and association, subject to restrictions in the interest of public order and public health; however, the Government frequently limited these rights.

Freedom of Assembly.—The law allows the Government to ban assemblies of more than four persons, and according to Ain O Shalish Kendro, a local human rights NGO, the Government banned rallies for security reasons 164 times during the year. The Government also used mass arrests to deter demonstrators from participating in protests (see section 1.d.).

There were frequent clashes between police and opposition supporters during the year. The opposition led by the AL organized numerous "agitation programs" protesting against the Government, including "sieges" of government institutions and transportation blockades of cities and the Chittagong port, and it enforced work stoppages (hartals) (see section 2.d.). During these protests police and demonstrators often clashed, resulting in deaths and injuries.

On July 2, a police officer and an opposition demonstrator were killed during an AL-organized transportation blockade of roads, rivers, and railways. Demonstrators throwing stones killed police Subinspector Abul Bashar at Murgapara in Narayanganj. Goman Mustafa Milon, an AL activist, died in a separate clash in Dhaka the same day. In addition to the deaths, dozens of cars and a train were damaged or destroyed by demonstrators. Over 100 others were wounded throughout the country.

On September 6, police and demonstrators clashed in Dhaka during an AL-organized "siege" of the Election Commission. According to media accounts, the clash occurred when demonstrators tried to break through barricades and approach the Election Commission offices. Over 100 opposition activists and 15 police were injured in the fighting. Among the opposition supporters injured was Saber Hossain Chowdhury, political secretary to the head of the AL.

On September 12, police and demonstrators clashed in Dhaka during an AL-organized "siege" of the Prime Minister's office. Demonstrators and police clashed in various locations throughout the city. Over 150 AL supporters, including former home minister Mohammad Nasim and AL MP Asaduzzaman Noor, were injured during the demonstration. Ten policemen were also injured. A day earlier the Government had declared a ban on gatherings or protests in the vicinity of the Prime Minister's office.

There were no developments related to the February 2005 case of police abuse during an AL Jubo League (JL) procession. Police wounded the JL's general secretary along with 30 other activists and two police officers.

There were no reported developments in the March 2005 police attack against buses carrying AL activists in which 50 people were injured.

There were no charges filed related to the June 2005 case in which BNP activists sabotaged a meeting of the Bikalpa Dhara Bangladesh Party (BDB) by damaging the meeting's venue.

There were no charges filed in the November 2005 case in which BNP activists and police disrupted the march of AL supporters on their way to an AL rally. Such obstructions took place in at least three sites within an hour's travel of Dhaka, specifically Dhamrai, Keraniganj, and Manikganj.

By year's end the 2004 case in which police fired on a procession of tribal people protesting an eco-park project and killed Piren Snal, a member of the Garo tribe, in Tangail district, was still pending. Authorities conducted a judicial investigation, and the court dismissed the case due to insufficient information. At year's end Snal's family filed another petition contesting the legitimacy of the report.

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 influenced politics. 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 access to justice.

Shari'a (Islamic law) was not implemented formally and was not imposed on non-Muslims but played an influential role in civil matters pertaining to the Muslim community. 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. The Muslim Family Ordinance codifies traditional Islamic law concerning 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 a second wife. 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. Marriages in rural areas often were not registered because of ignorance of the law.

Religious organizations were not required to register with the Government, but the Government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. Additionally, NGOs must register with the NGO Affairs Bureau if they received or planned to receive foreign funds for social development projects. The Government had the legal authority to cancel the registration of an NGO or to take other actions such as dissolving its executive committee, freezing its bank accounts, or canceling projects; however, the Government rarely used such powers.

Government protection of Ahmadiyyas improved, although discrimination continued. The Government ban on publishing of Ahmadiyya literature continued to be stayed by the high court, effectively allowing Ahmadiyyas to publish their materials (see section 2.a.).

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 (see section 1.e.).

Foreign missionaries were allowed 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; however, there were no reports of other government harassment during the year.

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.

On June 23, approximately 1,500 members of the anti-Ahmadiyya organization International Khatme Nabuwat Movement Bangladesh (IKNMB) attempted to seize the Ashkona Ahmadiyya mosque in Uttara. The Government deployed over 3,000 police to prevent violence and cordon off the Ahmadiyya complex. Eventually, the demonstrators left the Uttara area and attempted to block the main entrance to Dhaka-Zia International Airport. Police dispersed the demonstrators, injuring 20.

In September shortly before the annual Hindu festival of Durga Puja, the media reported that several idols of the Hindu goddess Durga were vandalized in various parts of the country, including Cox's Bazar, Nilphamari, Maulvi Bazar, and Tongail.

On October 6, IKNMB demonstrators attempted to seize the Ahmadiyya mosque in Nakhalpara in Dhaka. Police prevented the protesters from approaching the mosque, and the demonstrators dispersed without major incident.

Police arrested eight persons throughout the year in connection with the June 2005 arson and bombings at Ahmadiyya mosques in Nator, Brahhmanbaria, and Bhadugarh.

No action was taken nor charges filed related to the July 2005 deaths of two employees of the Christian Life Bangladesh NGO who were allegedly killed because they showed an evangelical film. Police initially arrested several suspects for the killing, but they were later released, and no charges had been filed at year's end.

There was no corrective action taken related to the 2004 violence against Hindus. Armed attackers led by a local BNP leader set 20 Hindu houses on fire, injuring 30 persons. Victims alleged that the attack originated over a pending property dispute.

There were no developments related to the 2004 death of Joseph Gomes, a Christian convert, near his home in Jamalpur district. Police arrested a local madrasah teacher, Maulana Abdus Sobhan Munshi, for the killing, held him for two weeks, and released him.

Religious minorities were disadvantaged in seeking government jobs and political office. Selection boards for government services often lacked minority group representation.

While there is no known local Jewish community, anti-Semitic commentary sometimes appeared in the press.

For a more detailed discussion, see the 2006 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 these rights in practice; however, there were instances in which the Government restricted these rights.

The opposition frequently used enforced transportation blockades and hartals or enforced strikes as political tactics. These extrajudicial methods of protest, sanctioned by party leaders and often enforced with violence, obstructed freedom of movement.

On July 2, for example, the AL-led 14-Party Alliance declared a country-wide transportation blockade. Supporters barricaded major streets as well as rail lines. Demonstrators also attempted to damage rail lines and attacked trains running throughout the country. On September 20, the opposition declared another transportation blockade that stopped all traffic into major cities from dawn to dusk.

According to Odhikar, 23 people died and 1,522 people were injured in election-related violence from mid-October to December. In late October when the BNP-led government stepped down, the AL launched a series of violent demonstrations in Dhaka to prevent former chief justice K.M. Hassan from taking over as chief advisor of the caretaker government. Sheikh Hasina and other AL leaders called for supporters to come to Dhaka with their "sticks"-a reference to the oars that are a symbol of the party. From October 27 to 29, there were violent clashes, resulting in 16 deaths. On October 29, after Hassan declined to assume the position of chief advisor, President Iajuddin was sworn in to lead the caretaker government. In November the 14-Party Alliance declared a country-wide transportation blockade in protest after the interim government announced the election date.

Throughout December the AL and its partners continued an agitation program that included transportation blockades, enforced strikes, and "sieges" of public buildings such as the President's office. On December 18, the opposition alliance expanded with the addition of two other parties, forming the Grand Alliance. On De-

cember 23, the Grand Alliance declared that it would participate in elections in spite of all its demands not being met, and it cancelled further agitation programs through the rest of the year.

As in previous years, numerous opposition work stoppages were declared over the course of the year. During the stoppages the organization or group calling for the action generally permitted only emergency services and nonmotorized vehicles on the streets. Cars and buses on the road were often attacked and burned. Most shops, banks, schools, universities, and other public and private offices were forced to close for safety reasons (see section 2.b.).

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 UN 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. Working with the UN High Commissioner for Refugees (UNHCR), the Government provided temporary protection to individual asylum seekers whom UNHCR interviewed and recognized as refugees on a case-by-case basis.

During the year the Government denied asylum to Rohingyas from Burma. The Government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, some refugees returned by the Government were 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 over to police, who imprisoned them under the Foreigners Act. There were 71 Rohingya refugees in local prisons in the Cox's Bazar area at year's end. Of these persons five had been sentenced and 66 remained detained. In addition, at year's end there were two Rohingya refugees in local prisons in Comilla and two in Chittagong. Another two Burmese not registered with UNHCR were currently serving prison sentences, and another 261 had been detained pending trial.

According to the Government, 21,322 Rohingya refugees remained in the two official camps administered by the Government in cooperation with UNHCR. However, a preliminary UNHCR estimate placed the number closer to 28,000. According to international aid organizations active in the area, there are 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 to Burma.

Conditions in the refugee camps continued to deteriorate until September. There was some progress at the end of the year regarding the Government's attitude towards the Rohingya refugee camps near Cox's Bazar. After government personnel changes, UNHCR and the Government were able to reach a consensus on making improvements. For example, a pilot project was launched to build replacements for shelters that were sinking into the ground. A project to build new latrines was launched, and the Government agreed to improve education standards and to permit NGOs to work in the camps again. In addition, the Government indicated a new willingness to cooperate with UNHCR and other international organizations and NGOs to improve standards in the camps.

According to UNHCR there were many reported cases of refugee abuse including rape, assault, domestic abuse, deprivation of food ration entitlements, and documentation problems.

The Government did not take corrective action related to the March 2005 case in which UNHCR received reports that a police inspector and his staff severely beat and attempted to rape six females, including two girls aged eight and 12. UNHCR strongly protested to camp authorities, but the Government took no action.

According to Refugees International (RI), the Government, and specifically the former local refugee relief and repatriation commissioner in Cox's Bazar, Shoyebur Rahman, placed excessive restrictions on refugees' freedom of movement and ability to work or earn a livelihood. During his tenure which ended in August, Rahman created obstacles for UNHCR to work in the camps and blocked access to the camps by certain NGOs and programs designed to relieve poor conditions. After Rahman's departure the Government worked to address several of the most pressing concerns in the refugee camps.

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 at any time.

The Government repeatedly rejected a UNHCR proposal to grant refugees rights for temporary stay and freedom of movement under a self-reliance program.

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 RI, these persons lived in unsanitary living conditions with little access to both 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.

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, albeit with significant instances of violence.

Members of parliament are elected at least every five years. The parliament has 345 members, 300 of whom are directly elected at-large. The remaining 45 are reserved seats for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected MPs. Party leaders appoint candidates for elections; some candidates allegedly purchased nomination from party leaders with generous campaign contributions or personal gifts.

Elections and Political Participation.—Khaleda Zia, leader of the BNP, became 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.

Throughout the year, AL legislators participated in meetings of the parliamentary standing committees in various ministries but continued to boycott by-elections and staged frequent walk-outs of parliamentary sessions. In June 2004 the AL returned to parliament after a year's boycott; however, the AL walked out of parliament again in September 2004, alleging the speaker's biased role in favor of the ruling party. AL members attended a parliamentary session for a few minutes in February to protest the January 27 killing of former finance minister Shah A.M.S. Kibria (see section 1.a.). AL leaders complained of government restrictions and interference in their political activities including their right to organize (see section 2.b.).

There were seven women directly elected to parliament in 2001. In September political parties nominated 45 more women to fill in the newly established reserved seats for women created through the 14th constitutional amendment, ratified in May 2004. The AL, which did not participate in the debate on adding the 45 seats, did not accept its share of reserved seats, saying that the amendment fell short of the promise to make a provision for women to be elected directly by the people. Some women's rights groups also protested the amendment on similar grounds and challenged its validity in the high court. The Supreme Court dismissed the writs.

In the parliament dissolved in October, there were two women with the status of minister-the Prime Minister and the leader of the main opposition party; the latter enjoyed the status of a cabinet minister. Four 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.

Government Corruption and Transparency.—Corruption remained a problem throughout the Government. Transparency International Bangladesh (TIB) indicated in a July report that systemic corruption continued to pose a serious challenge to good governance. A TIB sample survey identified reports of corruption in 38 sectors and ranked 10 sectors as "most corrupt" or "very corrupt" based on the number of reports. Data on financial loss was available in 20 percent of the reported cases and totaled more than $79 million. The report identified the Ministry for Local government and Rural Development as the most corrupt based on financial loss. A survey of primary education in two districts documented that 63 percent of students entitled to a government education stipend had to pay a bribe to receive the stipend. The study also documented the collection by school authorities of $31,000 in illegal monthly fees. In April TIB released a two-year study of bribery at the country's two

major land ports, concluding that exporters and importers paid over $1.4 million in bribes.

The three-member anticorruption commission, established in 2004, had little effect on combating corruption and focused in the past two years largely on organizational challenges.

There was no law providing for public access to government information. Instead, 1923 the Official Secrets Act protected government officials from public scrutiny in the name of national security, hindering transparency and accountability at all levels.

Section 4. Governmental Attitude 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, particularly on politically sensitive cases and subjects. Unlike in previous years, the Government did not pressure individual human rights advocates by filing false allegations against them or by delaying reentry visas for international human rights activists. Some local human rights organizations, however, reported that they believed the Government was tapping their telephones and e-mail accounts.

There were many examples of harassment by the intelligence agencies. For example, the Government threatened to block foreign funding to the PRIP Trust NGO unless the organization, which championed minority rights during the 2001 general election, agreed to change the membership of its board of directors.

In mid-September police arrested 172 workers of the NGO Proshika because, according to media reports, the Government believed Proshika workers intended to participate in an opposition protest (see section 1.d.).

On July 9, the Government strongly criticized the local office of TI after TI announced its annual "corruption perceptions" index and named the country the most corrupt to do business in for the fifth year in a row. Several government ministers also accused the local TI representatives of corruption. On several occasions in August and September, the Government strongly criticized the Center for Policy Dialogue (CPD), which partnered with the World Economic Forum (WEF), because the WEF published critical comments regarding corruption in foreign investment in the country.

At year's end, Asudullah Al-Aalib was awaiting trial for the February 2005 attack on several offices of leading NGOs, such as the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC). Authorities in 2005 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. The Government cooperated with international organizations such as the UNHRC and the ICRC; however, the ICRC did not visit the country during the year. In December 2004 the Asia Pacific director of the UNHCR visited the country to investigate the status of the Rohingyas. Despite its election pledge and repeated public announcements, the Government did not enact legislation establishing an independent National Human Rights Commission. Previous legislation authorizing the establishment of a human rights ombudsman remained dormant.

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. On October 3, parliament passed a law allowing release on parole of women prisoners of certain categories and their eventual freedom from imprisonment on fulfillment of certain conditions (see section 1.c.).

Domestic violence was widespread. Although violence against women was difficult to quantify, recent 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, Odhikar reported 243 dowry-related killings.

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. From January to December according to local NGOs, there were 639 reported incidents of rape. The press reported that 126 of the rape victims were killed and that another 13 committed suicide after being raped. 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. In January 2005 at a 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."

On January 29, a Dhaka court sentenced two persons, Belal Hossain and Shah Alam, to 30 years' rigorous imprisonment for raping a 15-year old garment factory worker in January 2002.

In April according to international observers, traffic police constable Azadul Islam raped a 12-year-old girl. The girl had fled from the house of Tajul Islam, a businessman in Islampur for whom she was working and whose family reportedly beat her. When Islam found the girl, he offered to take her to stay at his rented house in East Bashabo. On April 15, Islam's neighbors found the girl in his house and learned that she had been raped several times during her stay. The neighbors filed a case at the Shabuzbagh police station. Islam was suspended from service, but the case was not submitted to a court until July 22, at which point the accused had fled.

Prostitution was legal and remained a problem during the year. The minimum age of 18 for legal prostitution was commonly ignored by authorities and circumvented by false statements of age. Procurers of minors were rarely prosecuted, and large numbers of underage girls in prostitution worked in brothels. UN 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 (see section 5, Children). Trafficking of women internally and internationally remained a problem (see section 5, Trafficking).

According to government sources, the Social Welfare Department ran six homes for vagrants and one training center for destitute persons, with a total capacity of 2,300 individuals. In addition the Ministry of Women and Children Affairs ran six shelters for abused women and children, one each in the six divisional headquarters.

NGOs, such as the Bangladesh National Women Lawyers' Associations (BNWLA), also 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 were authorized to declare a fatwa. However, village religious leaders sometimes made declarations in individual cases and called the declaration a fatwa. Sometimes this resulted in extrajudicial punishments, often against women, for their perceived moral transgressions, particularly in rural areas.

Incidents of vigilantism against women—sometimes led by religious leaders (by means of fatwas)—occurred, particularly in rural areas (see section 1.c.). 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 105 of the victims were women, 36 were men, and 20 were children. According to Acid Survivors' Foundation (ASF), authorities prosecuted 36.

The 2002 Acid Crime Control Law provides for speedier prosecutions 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 36 persons for acid attacks since 2002.

Women remained in a subordinate position in society, and the Government did not act effectively to protect their basic rights (see section 1.e). 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. Programs run by the Government and NGOs extending microcredit to rural women improved their economic power. 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, slightly more than half of all children were chronically malnourished.

Under the law children between six and 10 years of age must attend school through the fifth grade. 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. According to 2001 statistics provided by Campaign for Popular Education, 80 percent of school-age children were enrolled in schools with almost an equal male-female ratio. In a 2002 report, the Campaign for Popular Education stated that 70 percent of the children completed education up to the fifth grade and that the dropout rate was 24.3 percent. According to Education Ministry statistics, 97 percent of school-age children were enrolled in primary schools during the year. The Government expanded incentives for female education by making education free for girls up to grade 12 and using a stipend system from grades six to 12. Boys received free education only to grade five.

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 far from 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 human rights groups, 93 children were abducted, 366 were killed, 139 were injured in violence, 227 were raped, 20 were victims of acid attacks, and 134 others were missing. According to child rights activists, violence against children declined to some extent due to growing awareness regarding child rights.

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 (see section 5, Trafficking).

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 (see sections 6.c. and 6.d.). According to 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.

According to a 2002 report published by the Government news agency Bangladesh Shongbad Shongsta, there were approximately 400,000 homeless children, of whom as many as 150,000 had no knowledge of their parents. Few facilities existed for children whose parents were incarcerated.

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 78 trafficking cases were adjudicated by the special courts dealing with incidents of repression against women and children. Courts convicted 42 persons and ordered sentences ranging from death to 10 years in prison. Other than the police, the coast guard, BDR, the RAB, and a number of NGOs rescued and assisted victims of trafficking.

There was extensive trafficking in both women and children, primarily to India, Pakistan, Bahrain, the United Arab Emirates (UAE), Kuwait, and destinations within the country, for commercial sexual exploitation and involuntary servitude. Men were also trafficked for the purpose of involuntary servitude in the garment industry in Jordan and the construction industry in the UAE. Similarly, entire families were victims of bonded labor throughout the country.

According to government sources, law enforcement personnel rescued 256 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 168 camel jockeys, 167 of whom were reunited with their biological parents. 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 43 trafficking victims, including a Nigerian boy, from within the country and repatriated 27 others from the UAE and India during the year. The number of persons arrested for trafficking was difficult to obtain, as charges against traffickers were sometimes for lesser crimes, such as crossing borders without prop-

er 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 of 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 susceptible. 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. UNICEF estimated in 2004 that there were 10,000 children forced into commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000 (see section 5, Children).

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 (see sections 1.c. and 5).

Although a lack of resources hindered investigations, the Government expanded antitrafficking police units to every district 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 to develop a trafficking course for the National Police Academy.

The Government continued its efforts to combat trafficking in persons through the trafficking monitoring cell at police headquarters, a monthly interministerial committee headed by the secretary of the Home Ministry. The cell monitored the activities of the police and assisted in prosecuting relevant cases. The Government had district monitoring committees headed by an additional deputy commissioner in all 64 districts. Among their other responsibilities, these committees transmitted to Dhaka monthly progress reports on arrests, convictions, acquittals, and repatriation of trafficked victims.

Arrests, prosecutions, and convictions continued steadily. During the year the Home Ministry reported 221 persons arrested on trafficking charges and 42 convictions. Of those four resulted in death sentences, 28 in life sentences, and 10 in sentences of varying durations. Nevertheless, the Government's capacity to address this issue remained limited. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. Additionally, the secretary of the Home Ministry met monthly with NGOs working on antitrafficking issues to facilitate coordination and cooperation between the Government and civil society. The Home

Ministry also adopted an awareness and motivation campaign policy to combat trafficking in persons.

The Government convened two special interministerial committees, with the cooperation of local and international NGOs, to monitor the repatriation, rehabilitation, and social integration of repatriated camel jockeys. The Government also formed community care committees headed by local female government officials to help with their rehabilitation process. While the Government provided support for returning trafficking victims, government-run shelters were generally inadequate and poorly run. The Government increasingly referred repatriated victims to private shelter homes for care.

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.

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 set up a task force, composed of government officials and members of NGOs, that 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. Despite the 1997 Chittagong Hill Tracks Peace Accord, which ended 25 years of insurgency in the Chittagong Hill Tracts, law-and-order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord. 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.

During the year according to a human rights organization, 29 persons died and 361 were injured in violence in the Chittagong Hill Tracts. Moreover, 22 persons were kidnapped, three women were raped, and 42 persons were arrested.

On April 3, a group of Bengali settlers clashed with tribal people in Saprue Karbaripara and two neighboring villages in Khagrachhari district, leaving 12 persons injured. According to a tribal group, the clash erupted after a group of Bengali women attempted to build a house on land owned by tribal villagers.

On June 12, security forces killed 10 individuals, reported to be members of an insurgent group from India in a raid on a camp inside Rangamati hill district close to the Indian border. The joint team of army and RAB personnel recovered arms and ammunition from the camp after a gunfight.

There was no corrective action relating to the 2004 case of violence against Bengalis in Rangamati.

Tribal people in other areas also reported loss of land to Bengali Muslims. Government initiated ecoparks and national park projects on land traditionally owned by indigenous communities continued to develop in the Moulvibazar and Modhupur forest area despite the resistance efforts of indigenous groups. On August 21, forest guards shot and injured Sisilia Snal, a Garo woman, while she collected firewood in Madhupur forest. According to BSEHR, police refused to file a case against the forest guards.

Other Societal Abuses and Discrimination.—Homosexual acts are 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 ten years, and shall be liable to fine."

There were a few informal support networks for homosexual men, but organizations to assist lesbians were almost non-existent.

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 in this area were nonexistent. There were few studies on homosexuality in the county, and information was difficult to collect. According to one report by Human Rights Watch (HRW) in 2002, homosexual men were subject to harassment and rape by police and local criminals without proper methods of recourse, due to societal discrimination. HRW also found that homosexual men often faced threats of extortion. According to HRW considerable official and societal discrimination existed against those who provided HIV prevention services and against high-risk groups likely to spread HIV/AIDS.

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; however, the Government did not always respect this right in practice. The total work force was approximately 65 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (75 to 80 percent) of citizens worked. Special legislation on unionization prohibited unions in the country's export processing zones (EPZs), but effective November 1, legislation permitted unions, called "workers' associations," to have limited collective bargaining rights but with effective limitations to their right to affiliate with international and other local unions.

EPZ management restricted individual EPZ factory unions, members, and representatives from affiliating, communicating, or meeting with other EPZ factory unions.

The new labor law enacted during the year consolidated laws from eight separate acts into one law. According to the consolidated law, a workplace must have 30 percent union participation for union registration but is restricted to no more than three trade unions at the same time. Labor activists contended that this reduced the ability of workers to shift registrations from one union to another. Would-be unionists technically are forbidden to engage in many activities such as member advocacy prior to registration and legally are not protected from employer retaliation during this period. Labor activists protested that this requirement severely restricted workers' rights to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) recommended that the Government amend the 30 percent provision.

During the year the ILO recommended that the Government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers. An estimated 15 percent of the approximately 5,450 labor unions were affiliated with 25 officially registered National Trade Union (NTU) centers. There were also several unregistered NTUs.

Unions were generally highly politicized and were strongest in state-owned enterprises and in such institutions as the government-run port of Chittagong. Civil service and security force employees were forbidden to join unions because of their highly political character. Teachers in both the public and the private sector were not allowed to form trade unions. The new labor law allowed workers in specialized fields in civil aviation and on ocean going vessels to form trade unions under certain conditions.

The Registrar of Trade Unions has the right to cancel registration of a union with the concurrence of the labor court, but no such actions were known to have taken place during the year. However, the law afforded unionists the right of appeal in the case of denial of registration, were it to occur.

There were provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions was uneven. In past illegal work actions, such as transportation blockades, police officers arrested union members under the Special Powers Act or regular criminal codes.

Trade unionists were required to obtain government clearance to travel to ILO meetings.

During the year the International Trade Union Confederation (ITUC) continued to note a number of exclusions of international trade union rights under the Industrial Relations Ordinance. These exclusions include restrictions on membership in unions and election of union officials, restrictions on activities of public servants' associations, and restrictions on the basic labor rights in the EPZs.

b. The Right To Organize and Bargain Collectively.—The law does not protect unions from conducting their organizing activities free from interference by employers. In practice, private sector employers usually discouraged any union activity, fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and in some cases, intimidated workers using plain-clothed security forces working in collaboration with local police. The ITUC and trade unionists cited the requirement for 30 percent of the workforce to agree to unionization as an overly restrictive regulation on the right to organize. The right to strike is not recognized specifically by the law, but strikes were a common form of workers' protest and were recognized as a legitimate avenue for addressing unresolved grievances by the Industrial Relations Ordinance of 1969.

The Registrar of Trade Unions rules on union-organizing discrimination complaints. In a number of cases, the labor court ordered the reinstatement of workers fired for union activities. However, the labor court's overall effectiveness was hampered by a serious case backlog. Alternative dispute resolution techniques began to be used to decrease the backlog.

Collective bargaining was legal on the condition that unions legally registered by the Registrar of Trade Unions as collective bargaining agents represent workers. The law simplified and clarified the procedure for selecting a collective bargaining agent (CBA) and specified time limits for specified steps in the process. Collective bargaining occurred occasionally in large private enterprises such as pharmaceuticals, jute, or textiles, but due to concerns over job security, most workers did not practice collective bargaining. Collective bargaining in small private enterprises generally did not occur.

In addition, opposition political parties used general strikes to pressure the Government to meet political demands. Some employees organized in professional associations or unregistered unions went on strike during the year.

The Essential Services Ordinance permits the Government to bar strikes for three months in any sector it declares essential. During the year the Government continued to impose the ordinance on the Power Development Board, the Dhaka Electric Supply Authority, Bangladesh Biman Airline, the Chittagong Port Authority, and the Bangladesh Petroleum Corporation.

The Government continued its ban on collective bargaining authority in jute mills during production time. In the past the Government had applied this ban to national airline pilots, water supply workers, and shipping employees. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the labor court.

Mechanisms for conciliation, arbitration, and labor court dispute resolution are established under the Industrial Relations Ordinance and consolidated in the new labor law. The consolidation was intended to enhance and speed up the process of dispute resolution. Workers have the right to strike in the event of a failure to settle. If the strike lasts 30 days or longer, the Government may prohibit it and refer the dispute to the labor court for adjudication, although this had not happened in recent years.

There are EPZs in the country. In July 2004 the Government enacted the EPZ Workers' Association and Industrial Relations Act (the "EPZ law") allowing limited freedom of association rights in EPZs. The country's eight EPZs are exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act, thereby excluding workers in the zones from protection for their rights to organize and bargain collectively, and from coverage by laws governing wages, hours, and safety and health standards. While substitutes for some of the provisions of these laws are implemented through EPZ regulations, EPZ officials interpreted the EPZ regulations and law narrowly. The EPZ did not permit Worker Representation and Welfare Committee (WRWC) members to meet with WRWC members in other factories, did not permit them to meet with outside labor organizations on their own time after the completion of the work day, and did not consistently afford time for WRWC members to meet together in their factories. Contrary to the law, individual factory owners fired members of the WRWC without prior authorization of the BEPZA Executive Chairman.

Under the EPZ law, effective November 1, workers are permitted to form workers' associations, which would have the legal right to strike, to conduct collective bargaining, or to enjoy unlimited affiliation with other labor organizations. At year's end EPZ officials had not appointed a labor tribunal or a labor tribunal pursuant to the EPZ law. Workers in EPZs do not have any legal recourse for filing worker complaints since they are not allowed to file cases in labor courts.

In May and June, labor unrest occurred in areas surrounding the Dhaka EPZ. In the wake of the unrest, EPZ managers conducted acts of intimidation and abuse, arbitrarily locked-out employees, and fired workers and WRWC members without the prior approval of the executive chairman in violation of the EPZ law.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including by children; however, the Government did not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced rigorously, partly because resources were scarce. There was no bonded or forced labor in large-scale enterprises; nevertheless, numerous domestic servants, including many children, worked in conditions that resembled servitude and many suffered physical abuse, sometimes resulting in death. There continued to be numerous reports of violence against domestic workers. The Government brought criminal charges against employers who abused domestic servants. Many impoverished families settled instead for financial compensation. Trafficking of women and children was a problem (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—There are numerous laws regulating 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. The Government's 2003 National Child Labor Survey estimated that approximately 3.2 million children between the ages of five and 14 years worked in 200 different types of activities. During the year 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 aged five to 17 did hazardous labor. According to the survey, no children worked in ship breaking, manufacture of cigarettes, manufacture of pesticides, or fireworks manu-

facture during the survey period. According to the study, child labor was prevalent in hazardous establishments such as saw milling, battery recharging, welding, metal works, and carpentry. In addition the report concluded that children often were subjected to verbal and physical abuse.

According to consistent anecdotal reports, several thousand children worked in the fish drying industry for five months of the year under harsh conditions and supervised by abusive adults. There were government efforts to prevent this practice, mitigate the harsh conditions, and punish abusive employers.

Children routinely performed domestic work. The Government sometimes 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 was no effective mechanism to enforce this provision. The National Labor Committee alleged that Harvest Rich Enterprises employed child workers in its garment factories, but the company denied the allegations.

There was virtually no enforcement of child labor laws outside the export garment sector. Penalties for child labor violations were nominal fines ranging from an estimated four to 10 dollars (taka 228 to taka 570). Most child workers were employed in agriculture and other informal sectors, where no government oversight occurred.

Before the new labor law consolidated various labor laws, the legal age of employment varied by sector and ranged from 12 to 16 years of age. Under the new law, employment of anyone under 15 years of age in any sector is prohibited.

e. Acceptable Conditions of Work.—There is no national minimum wage. Instead, the National Wage Board, which convenes sporadically, sets wages and benefits industry by industry, using a range based on skill level. In most cases private sector employers ignored this wage structure. In the garment industry, it was common practice for smaller factories to force workers to work overtime, delay their pay, or receive trainee wages well past the maximum three months. The wages in the EPZs were higher than wages outside the zones. During the year the ITUC reported that wages outside the EPZs were not sufficient to provide a decent standard of living for a worker and family. The National Wage Board announced an increase in the minimum wage, but there was widespread opposition from manufacturers towards its implementation as well as protests from workers who perceived the increase as insufficient.

The September 2005 law that mandated a five-day, 40-hour work-week was unevenly enforced. The law applied to government employees, banks, NGOs, and other office workers. Factory workers continued to labor under the old law, a 48-hour workweek, with a mandated one day off and up to 12 hours of overtime.

During the year a number of factory fires killed over 100 workers and injured many more. The Factories Act nominally sets occupational health and safety standards. Factory owner association efforts to improve safety were ineffective, according to local NGOs. The law is comprehensive but was largely ignored by employers. 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 both to the low number of labor inspectors and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risked losing their jobs.

BHUTAN

Bhutan is a hereditary monarchy with a population of 672,000. On December 9, King Jigme Singye Wangchuck signed a royal decree handing power over to his son, Crown Prince Jigme Khesar Namgyel Wangchuck. The King governs with the support of a National Assembly, a cabinet, and a Council of Ministers. As head of state, the King is responsible for matters relating to the country's security and sovereignty. Citizens elected 106 of the 150 representatives in the National Assembly in 2003, with 10 ministers elected by the National Assembly, 10 representatives nominated by the central Buddhist clergy, and 24 government officials nominated in their ex-officio capacity by the King to represent government and other secular interests. The civilian authorities generally maintained effective control of the security forces.

The following human rights problems remained noteworthy: limited right to change government; restrictions on assembly and association; restrictions on free-

dom of religion, limited political expression, restrictions on political parties and discrimination against the ethnic Nepali minority.

Political changes took place throughout the year as the country laid the ground work for its transition to a parliamentary democracy. In June and July, Parliament passed four legislative acts including the Anti-Corruption Act that launched a countrywide education and advocacy program; the Audit Act that enhanced the organizational and functional independence of the Royal Audit Authority; the Information, Communications and Media Act that contains provisions for freedom of speech and the press; and the Office of the Attorney General Act, which made the Office an autonomous agency. At the end of the year, the National Assembly also enacted the Labor and Employment Act.

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 December the International Committee of the Red Cross (ICRC) conducted its 24th round of visits to the Lodrai Sub-district Jail and Chamgang Central Jail. In both places authorities kept prisoners incarcerated for politically motivated crimes in areas separate from common criminals.

During the year the Government extended the ICRC prison visits program for another year, as it had done annually since a five year Memorandum of Understanding was signed by the ICRC and the Government in 1998. Authorities allowed the ICRC unhindered access to prisons.

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, had responsibility for internal security. The Royal Bhutan Army had responsibility for external threats but also had some internal security responsibilities, such as guarding forests, providing VIP protection, and conducting counterinsurgency operations. Corruption and impunity were not problems during the year.

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. The police normally respected the law in practice. There were no reports of arbitrary arrest or detention during the year.

An undetermined number of Nepal-based refugees who attempted to return to the country were turned over to Indian authorities and returned to camps in Nepal. ICRC and the Nepal Red Cross Society continued to partially reimburse fare for the families of the detainees living in United Nations UNHCR) run camps in Nepal wishing to visit their relatives detained in Chamgang.

e. Denial of Fair Public Trial.—The law does not provide for an independent judiciary, but 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 three branches, the sub-divisional court, the district court, and a high court. Local headmen and magistrates (thrimpon) hear cases in the first instance. 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, 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 conducted state prosecutions, drafted and reviewed legislation, and rendered legal counsel. The OLA consists of a legal services division with domestic,

international, and human rights sections, and a prosecution division with a criminal section and a 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 these conditions generally were respected. Bail is also available depending on the severity of charges, the suspect's past criminal record, likelihood of flight, and potential threat to the public. 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 to the "beyond a reasonable doubt" standard. 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 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 165 government-licensed advocates. The OLA stated that most defendants sought legal assistance only in serious criminal cases. Legal counsel is not free; therefore, many citizens unable to afford representation did not receive professional legal assistance. Village headmen, who had the power to arbitrate disputes, constituted the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, could review 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.—By year's end 43 persons remained incarcerated under the National Security Act of 1992 and the Supreme Law of the Land (Chinchun Chempo) in connection with violence associated with political dissidence from 1991 to 92. They were all sentenced, and the Government permitted ICRC regular access to them.

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 in 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 in practice. Only an authorized agent of the Government may search mail without a warrant and only if there is cause to suspect that the parcel contains narcotics, contraband such as weapons or explosives, or information that could be harmful to public health or security. Wiretapping is not allowed without a warrant.

Human rights groups argued that the Government interfered with individual rights by requiring all citizens, including minorities, to wear the traditional dress of the ethnic majority in all public places. The Government strictly enforced the law only for Buddhist religious buildings, government offices, schools, official functions, and public ceremonies; otherwise, the enforcement of this law was sporadic, and it was common to see people in nontraditional dress throughout the country (see section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—In July 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.

During the year two independent newspapers started publication. On April 30, The Bhutan Observer, an English weekly newspaper, began printing, and on June 2, The Bhutan Times, a weekly newspaper published in English and in Dzongkha, began publication. The two new newspapers were critical at times of the Government. Along with Kuensel, a pro-government private biweekly newspaper, they reported stories on a daily basis through online editions. On November 11, Bhutan Now, a monthly periodical, began publication. As reported in previous years, accord-

ing to the editorial staff and management of Kuensel, publication was independent, funded entirely through advertising and subscription revenue, and was free to report on any subject. During the year Kuensel often published stories critical of the Government and highlighted societal problems. Its board consisted of senior civil servants and private individuals. Kuensel was published in English, Dzongkha, and Nepali. Foreign newspapers and magazines were available.

On September 28, a private FM radio station, Kuzoo FM 90, began operating 12 hours a day, 7 days a week. The state-owned Bhutan Broadcasting Service ran other radio and television stations. The Government limited the number of television channels available, although a large variety of television programming was available in the country, including CNN, BBC, and a number of Indian news services. There were no private broadcasters. The Government did not censor content.

Internet Freedom.—Internet access was growing and was unrestricted. There were no reports of government restrictions on access to the Internet; however, the Government regulated all material on the Internet that it considered pornographic. Individuals and groups could engage in 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—Freedom of Assembly.—The law does not provide for freedom of assembly, and the Government restricted this right in practice.

Freedom of Association.—The law does not provide for freedom of association, and the Government restricted this right in practice by not permitting the creation of political parties and organizations; however, the Government allowed civic and business organizations to function freely. The Government regarded political parties organized by ethnic Nepalese exiles—the Bhutan People's Party, the Bhutan National Democratic Party, and the Druk National Congress—as illegal, terrorist, and antinational. These parties, which sought the repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

c. Freedom of Religion.—The law provides for freedom of religion; however, there were allegations that the Government restricted this right in practice and Mahayana Buddhism was the state religion.

The Government subsidized monasteries and shrines of the Drukpa sect and provided aid to approximately one-third of the Kingdom's 12,000 monks. The Government also provided financial assistance for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. The Government maintained that it supported the monastic establishment in accordance with an agreement it made with the Buddhists in 1956 when the Government seized land from them for redistribution to landless citizens. In exchange the Government committed to providing financial support to the monasteries. Societal pressure for conformity with Drukpa Kagyupa norms was prevalent.

The King declared one major Hindu festival a national holiday and the royal family participated in it. There was only one Hindu temple in Thimphu. Nongovernmental organizations (NGOs) reported that permission from the Government to build religious temples was required but rarely granted for non-Buddhist religious buildings, with the last reported Hindu temple constructed in the early 1990s. 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. Proselytism and conversion, particularly through the provision of financial and economic incentives, were deemed illegal by the Government due to the National Security Act, which prohibits "words either spoken or written, or by other means whatsoever, promotes or attempts to promote, on grounds of religion, race, language, caste or community, or on any other ground whatsoever, feelings of enmity or hatred between different religious, racial or language groups or castes and communities". Violating the act is punishable with up to three years' imprisonment, although it was not clear that the Government enforced this provision of the act.

On January 7, authorities arrested two civil servants for proselytizing Christianity in the village of Nago in the Paro District. The Government found them guilty of falsely calling a village meeting on the pretext of holding an official meeting, proselytism, maligning the Spiritual Head of Bhutan, posing as officials on business, and giving false information. Authorities released the prisoners on July 29.

Societal Abuses and Discrimination.—According to dissidents living outside the country, the Government permitted only Buddhist religious teaching in schools.

Some dissidents claimed that Buddhist prayer is 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. Although students take part in a prayer session each morning, the sessions are non-denominational and non- compulsory. Government authorities sometimes asked applicants for government services to state their religion before services were rendered. The Government required all civil servants to take an oath of allegiance, did not have religious content but was administered by a Buddhist Lama (see section 5).

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, but the Government placed limits on them in practice. There were highway checkpoints in districts that bordered China or Assam at which persons were required to show their citizenship identity cards. Citizens traveling in border regions were required to show these cards at immigration check points.

The law does not address forced exile. Although the Government officially does not use formal exile, in previous years many political dissidents freed under government amnesties stated that 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.

Protection of Refugees.—The law does not provide for the granting of asylum in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not established a system for providing or denying protection to refugees. There are no reports that the Government provided or denied protection against refoulement, the return of persons to a county where they feared persecution.

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), will not be considered citizens of the country. Some dissidents claimed that this law was created specifically to deny citizenship to ethnic Nepalese Bhutanese. Over the years local government offices gave many such persons identity cards without registering them with the central offices of the MHA.

Implementation of a nationwide census in 1980s, rather than changed citizenship requirements, resulted in the denaturalization of many ethnic Nepalese residents. The census, which was initially conducted across the country in 1985, was re-conducted in 1988–1989 in the southern districts. At that time people were required to demonstrate land documents from 1958. Those who lost citizenship under the 1985 law were permitted to apply for citizenship provided that certain conditions were met, including 20 years of residency, proficiency in speaking and writing Dzongkha, a "good moral character," and no record of having spoken or acted against the King, country, and its people. Those who could not meet the new citizenship requirements were deemed to be illegal immigrants. In addition, citizens who voluntarily emigrated without government approval lost their citizenship. Beginning in 1988 the Government expelled large numbers of ethnic Nepalese under the 1985 citizenship law.

From 1990 to 1993, more than 80,000 ethnic-Nepalese Bhutanese entered Nepal seeking refuge. When they first arrived between 1990 and 1991, prior to the establishment of camps and the provision of international assistance, the ethnic-Nepalese Bhutanese refugees lived in harsh conditions. Numerous refugees told UNHCR that they want to return to Bhutan. Approximately 15,000 additional ethnic-Nepalese Bhutanese fled Nepal to India, but UNHCR did not accord them refugee status. Since 1993 the country has had a series of negotiations with Nepal, conducted under the auspices of the Joint Verification Team (JVT) to resolve the refugee problem; however, the JVT process has been delayed since 2003.

The Citizenship Act 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 Home Ministry later declared in a circular that any nationals leaving the country to assist "anti-nationals," and the families of such persons, would forfeit their citizenship. Human rights groups

alleged that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled from or otherwise departed the country.

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

Citizens do not have the right to change their government. The country is a monarchy with sovereign power vested in the King. However, in 2005 the Government released a draft constitution stipulating a constitutional 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 began establishing institutions required by the draft constitution.

Elections and Political Participation.—In 2003 citizens elected 106 members of the 150-member National Assembly. Of the remaining 44 seats, the Buddhist clergy nominated 10, the National Assembly elected 10 ministers, and the King nominated 24. The National Assembly has the power to remove ministers whom the King nominates, but it has never done so. Political authority has devolved to the National Assembly, which can pass legislation; however, ultimate control remained with the King and the cabinet, which is composed of the Royal Advisory Council and the Council of Ministers.

The National Assembly, which convenes twice a year, elects the Council of Ministers and the Royal Advisory Council. A special session, if necessary, can be called at any time.

Each national assembly constituency consisted of a number of villages. Each village was permitted to nominate one candidate, conducted by secret ballot, according to national election law. There is no provision for self nomination, and the law states that no person may campaign for the candidacy or canvass through other means. The Government did not allow political parties. The Government banned parties established abroad by ethnic Nepalese and eastern Bhutanese (see section 2.b.).

The King nominates all cabinet ministers who are then elected by the National Assembly. A minister's term is limited to five years, after which he or she must pass a vote of confidence in the National Assembly to remain in office. The National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate to be replaced by the next person in the line of succession. The position of chairman of the council of ministers rotates on a yearly basis, beginning with the minister who received the most votes. The chairman serves as prime minister and head of government. In September Foreign Minister Lyonpo Khandu Wangchuck became chairman and prime minister.

There were 15 women in the 150-member National Assembly and two women on the High Court. Women constituted 23 percent of civil service employees, and women held more than 30 percent of positions at the Ministry of Foreign Affairs. There was no provision for allocating a set number or percentage of parliamentary seats for women or members of minority groups.

All major ethnic groups were represented in the National Assembly, including 14 ethnic Nepalese. Nevertheless, NGOs reported that ethnic Nepalese were underrepresented in the assembly.

Government Corruption and Transparency.—There were reports of government corruption during the year. 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 December 2005 the King created an Anti-Corruption Commission by royal decree. The Government stated during the transition to a parliamentary democracy, "it is very important to curb and root out corruption from the very beginning." On July 3, 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.

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 Attitude 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 exiles—the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan,

and the Association of Human Rights Activists-Bhutan—as political organizations and did not permit them to operate in the country.

ICRC representatives conducted an annual prison visit, and the Government provided them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The ICRC stated that the Government was open and forthright during prison visits and, as of this year, stopped biannual checks.

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, and 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 Rape Act contains a clear definition of criminal sexual assault and specified penalties. In cases of rape involving minors, sentences range from five 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 reportedly accounted for the large numbers 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. Female school enrollment was 48.3 percent and was growing in response to government policies encouraging and funding universal attendance. Women in unskilled jobs generally were paid 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.

Questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the Marriage Act of 1996. The minimum age of marriage for women was 18 years. The law provides for equal treatment for both 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. In 2004 the Government created a National Commission for Women and Children, which actively defended the rights of women and children during the year.

Children.—The law provides for children's rights, and the Government's policies generally supported these provisions.

There are 512 educational facilities with approximately 190,000 students in the country. There was tremendous growth in the number of non-formal education (literacy courses) centers. In 1992 there were six institutions with 300 students; there are now 646 institutions with 18,550 students. The Government provides 11 years of universal, free, and compulsory primary school education, and primary school enrollment increased 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. During the year the participation rate for children between the ages of six and 12 in primary schools was approximately 80 percent. Completion rates for girls continued to surpass that of boys. Rural areas were home to over 80 percent of all primary schools.

There is no law barring ethnic Nepalese children from attending school; however, the Government denied security clearance forms to children of ethnic Nepalese whom the Government claimed were anti-nationals, thus denying them higher education. Exile groups claimed that Nepalese secondary-level students scoring highly on national exams, because of their inability to obtain a passport, were not always given the same advantages as other students, such as the chance to study abroad at government expense, particularly if they were related to prominent dissidents or

refugees. The Government refuted this claim, stating that all scholarships were merit based.

The law prohibits the employment of children, but child labor was present (see section 6.d.). Child abuse was rare.

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.—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 law was not always enforced. Under the Disability Prevention and Rehabilitation Program, the Government seeks to provide medical rehabilitation for all types of disabilities, promote integration of children with disabilities into normal schools, support activities for vocational rehabilitation of adults with disabilities, and foster community awareness and social integration of persons with disabilities in community activities.

There are special educational institutes for students with disabilities. The National Institute for the Disabled (NID) in Khaling educates visually handicapped children. The institute had an enrollment of 45 students and 12 teachers. There was a Deaf Education resource unit at In Drukgyel in Paro. In Changangkha in Thimphu, special education facilities were constructed to meet the needs of physically and mentally challenged children. While there were no government-sponsored social welfare services available for people with disabilities, the National Pension and Provident Fund entitles benefits to people with disabilities.

National/Racial/Ethnic Minorities.—In the late 1980s and early 1990s, the Government committed numerous abuses against ethnic Nepalese. This led to the departure or involuntary expulsion of an estimated 100,000 ethnic Nepalese, although the Government asserted substantially fewer left. At the time the Government claimed it was concerned about the rapid influx and associated political agitation of ethnic Nepalese. Since then the Government claimed that ethnic and gender discrimination in employment was not a problem. It stated that ethnic Nepalese constituted 25 percent of the population and comprised 16 percent of the civil service and government employment; however, human rights groups active outside the country claimed that ethnic Nepalese actually make up approximately one-third of the country's population and that the Government deliberately underreported their numbers. Ethnic Nepalese claimed that they were subject to discrimination and prejudice.

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 in the early 1990s, discriminatory measures with regard to ethnic minority communities continued.

The Government has resettled Drukpa Bhutanese in the southern part of the country on land vacated by the ethnic Nepalese living in refugee camps in Nepal. 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 ethnic Nepalese 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 in the south reinforced prejudice against ethnic Nepalese. The Government claimed that the resettlement scheme was part of a nationwide program to discourage migration to urban centers and reduce landless people's dependence on migrant farming.

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. The Government maintained that, with very little industrialization, there was little labor to be organized. The Ministry of Employment reported in 2004 that the total labor force numbered 216,500 persons, 166,200 of whom worked in rural areas.

b. The Right To Organize and Bargain Collectively.—The law does not authorize collective bargaining or 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, and there were no reports that such practices occurred. The Government required community service to build local roads,

schools, and hospitals. The Government and NGOs stated that rural workers often volunteered to work on national projects and were paid slightly above the minimum wage of $2.50 (112.70 ngultrums) per day. There was no evidence to suggest that the Government subjected domestic workers to coerced or bonded labor.

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. Children under 18 often performed agricultural work and chores on family farms and shops after school and during holidays. NGOs estimated that there were approximately 45,000 persons under 18 who were working. A large majority of these children worked for their families.

e. Acceptable Conditions of Work.—A 1994 circular establishes wage rates, the regulations for payment of workers' compensation. Wage rates, which were revised periodically, started from a minimum of roughly $2.50 (112.70 ngultrums) per day plus various allowances paid in cash or kind. The national minimum wage provided a decent standard of living for a worker and family. The workday is defined as eight hours with a one-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.

Civil service regulations require equal pay for equal work for men and women. 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 longstanding and stable multiparty, federal, parliamentary democracy with a bicameral parliament and a population of approximately 1.1 billion. Manmohan Singh was named prime minister following his Congress Party-led coalition's victory in the 2004 general elections, which were considered free and fair, despite scattered episodes of violence. Serious internal conflicts affected the state of Jammu and Kashmir, as well as several states in the northeast. The Naxalite conflict affected Andhra Pradesh, Orissa, Chhattisgarh, Jharkhand, Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal, and eastern Maharashtra. While the civilian authorities generally maintained effective control of the security forces, there were frequent instances in which some elements 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, torture and rape by police and security forces. The lack of accountability permeated the Government and security forces, creating an atmosphere in which human rights violations often went unpunished. Although the country has numerous laws protecting human rights, enforcement was lax and convictions were rare. Poor prison conditions, lengthy pretrial detention without charge, and prolonged detentions while undergoing trial remained significant problems. Government officials used special antiterrorism legislation to justify the excessive use of force while combating terrorism and active, violent insurgencies in Jammu and Kashmir and several northeastern states. Security force officials who committed human rights abuses generally enjoyed de facto impunity, although there were investigations into individual abuse cases as well as punishment of some perpetrators by the court system. Corruption was endemic in the Government and police forces, and the Government made little attempt to combat the problem, except for a few instances highlighted by the media. The Government continued to apply restrictions to the travel and activities of visiting experts and scholars. Attacks against religious minorities and the promulgation of antireligious conversion laws were concerns. Social acceptance of caste-based discrimination remained a problem, and for many, validated human rights violations against persons belonging to lower castes. Domestic violence and abuses against women such as dowry-related deaths, honor crimes, female infanticide and feticide, and trafficking in persons remained significant problems. 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 wide-

spread torture, rape, and other forms of violence, including beheadings, kidnapping, and extortion.

In June 2005 the Government passed the Right to Information Act (RTI), mandating stringent penalties for failure to provide information or affecting its flow, and requiring agencies to self-reveal sensitive information. The implementation of the act marked a departure from the culture of secrecy that traditionally surrounded the Government's rule making.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Government forces continued arbitrary and unlawful deprivation of life of those in their custody. Police and prison officers also committed extrajudicial killings of suspected insurgents and suspected criminals by staging encounter killings. 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 (see section 1.g.). According to the Jammu and Kashmir Human Rights Commission, it received 1,867 complaints of human rights violations since 2002.

Security forces often staged encounter killings to cover up the deaths of captured non-Kashmiri insurgents and terrorists from Pakistan or other countries, sometimes after torturing them. Circumstances around allegedly faked encounter killings were often in dispute. On May 18, the Defense Ministry reported that it was aware of two fake encounter killings that occurred in 2003, and it court martialled the officers involved. However, Human Rights Watch (HRW) could find no instances of a public prosecution leading to a conviction of those alleged to be responsible for fake encounter killings in Jammu and Kashmir. Human rights groups accused security forces of targeting suspected terrorists, insurgents and their suspected supporters. There were no widely accepted data on the magnitude of extrajudicial killings in Jammu and Kashmir, as estimates or reports depended on the political orientation of the source. However, according to Asia Centre for Human Rights (ACHR), only a minuscule percentage of encounter killings resulted in a trial or conviction. Some trials of security forces for alleged staged encounters in Jammu and Kashmir and Punjab have lingered for over a decade.

According to an NGO in Kashmir, security forces were responsible for seven extrajudicial killings in Jammu and Kashmir during the year. According to the Public Commission on Human Rights, it ordered 73 inquiries since the new Jammu and Kashmir government was elected in 2002, but by the year's end, it had only received information on six cases.

In January, members of the Rashtriya Rifles (RR) and the Special Operations Group (SOG) allegedly killed three persons in Shopian District of Kashmir and buried them without a proper investigation. Authorities ordered an inquiry but at year's end had not conducted an investigation.

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 August 22, Maharashtra police shot and killed an alleged Pakistani national, Abu Osama, in what appeared to be a staged encounter. Several journalists claimed that the police arranged the encounter and that the person killed was associated with the July 11 perpetrators of the terror attack on Mumbai trains. There were no further developments in this case by year's end.

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 human rights activists, press reports, and anecdotal accounts, the bodies of persons suspected of terrorism and detained by security forces in Jammu and Kashmir often had bullet wounds or marks of torture, although according to the South Asian Human Rights Documentation Center (SAHRDC) and ACHR, the number of such incidents had declined in recent years in Jammu and Kashmir.

On January 12, according to press reports, security forces allegedly abducted and killed a youth in the Barramulla District of Jammu and Kashmir. The media reported that the youth was blindfolded and tortured. They subsequently arrested and tortured a second youth and gave him a gun in order to claim he was a terrorist.

Jammu and Kashmir police filed a First Information Report (FIR) against the accused soldiers, and at year's end the army opened an investigation.

In January police ordered an inquiry and charged two RR soldiers for torturing and killing a Kashmiri, Fayaz Ahmad Bhat. On January 16, RR troopers picked up Bhat and Abdul Majid Parray in Baramulla District. Parray died as a result of torture the same day. Bhat's relatives later told the media that the army had tried to rearrest Bhat while he was recovering in a Srinagar hospital, apparently wanting him to change his statement. Army officers claimed that they wanted to move Bhat to an army hospital. Bhat later died in an encounter with the RR.

In early March police killed two suspected Lashkar-e-Tayyiba (LET) terrorists in Delhi, claiming the two were responsible for the October bomb attack on a Hyderabad police station. The Hyderabad-based Civil Liberties Monitoring Committee reported that the encounter was staged.

Border Security Forces (BSF) operating along the Indo-Bangladesh border killed 17-year-old Musaruddin Molla while he was working in his field. According to the ACHR, to conceal his death, BSF officers allegedly took six cattle from their camp and accused Molla of stealing them. The case was under review at year's end.

There were no developments in the January 2005 killings of five passengers by soldiers on a moving train near Shikohabad railway station near Uttar Pradesh.

There were no developments in the July 2005 killing of three teenage boys by security forces who allegedly mistook them for terrorists in the Kupwara area of Kashmir.

In September 2005 Udayakumar, a citizen from Kerala, died in police custody allegedly due to torture during interrogation. According to the Confederation of Human Rights Organizations, police picked up Udaykumar 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. The Kerala government announced compensation of $6,500 (Rs 287,000) to his family (see section 1.c.).

In August 2005 the Central Bureau of Investigation (CBI) recommended the prosecution of four army officers, including Senior Superintendent of Police Farooq Khan, for the killing of five civilians in a staged encounter death in 2000. The Central Administrative Tribunal ruled the related 2003 suspension of Senior Superintendent of Police Khan as illegal and reinstated him. On May 11, the CBI filed charges of murder, abduction with intention to murder, wrongful confinement, criminal conspiracy, and destruction of evidence against the officers. The investigation was ongoing at year's end.

Custodial deaths remained a serious problem, and authorities often delayed prosecutions.

According to data available with the National Crime Records Bureau (NCRB), there were 121 custodial deaths in 2003, 94 in 2004, and 144 in 2005. On December 15, a court convicted three former Delhi police officers for their role in a 1987 custodial death of Mahender Kumar. Retired senior Delhi police officer Rishi Prakash Tyagi was sentenced with the death penalty and KP Singh and sub-inspector Tej Singh were sentenced to one and three years of rigorous imprisonment and a fine of $566 and $680 (Rs 25,000 and Rs 30,000) for shielding Tyagi and destroying evidence.

On May 9, the army began the court-martial of Brigadier Suresh Rao for allegedly ordering his subordinates to fake terrorist killings to garner awards, citations, and positive public relations.

From January 2005 through July of the year, 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.

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. In 2004 in Maharashtra, according to media reports, Mumbai police transferred officers linked to encounter killings from the 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 were not available. The Kerala State Human Rights Commission registered 25 cases of custodial deaths from January to June, compared with 39 cases in 2005.

In an attempt to expedite prosecutions, in May 2005 authorities updated a law requiring a coroner to conduct a medical examination within 24 hours of a death in custody. However, by the end of the year, the law had not been implemented. From April 2003 to March of this year, the NHRC awarded $51,354 (Rs 2.3 million) in compensation for deaths in police and judicial custody.

Human rights activists reiterated during the year that there was uneven compliance with a 1993 NHRC directive requiring district magistrates to report to the commission all deaths in police and judicial custody. In January the Indian Center for Human Rights and Law (ICHRL) filed a petition with the Mumbai High Court against custodial deaths, arguing that police were not adhering to NHRC guidelines for custodial deaths. The lawyer representing the Government of Maharashtra admitted that the Mumbai and Maharashtra police did not follow the guidelines.

In December 2005 media reported that Shivkumar Jaiswala, an alleged thief, died in custody in Mumbai. On January 2, another alleged thief, Prem Yadav, died in custody in Mumbai. No officers were suspended in connection with these cases, and human rights activists argued that the police response to custodial death appeared to vary according to the social and financial backgrounds of the victims. Media reported that Mumbai police routinely conducted internal inquiries into all custodial deaths, but no police officer was convicted of a crime in connection with the 15 cases reported since 2001. Official inquiries ruled that none of the 15 deaths was caused by torture.

On January 4, media and NGOs reported that Gurmail Singh died in the custody of the Railway Police after being arrested in connection with two bodies found near the Ghaggar railway station near Chandigarh. The Punjab State Human Rights Commission asked for a report on the incident, and a three-member board of doctors conducted the post-mortem, with the report later handed over to the family. The findings were not released at year's end, but the Railway Police denied allegations of torture, claiming instead that Gurmail Singh died naturally.

In March the Maharashtra Criminal Investigation Department (CID) arrested six police officials for the 2004 custodial death of Uday Bhandge, who was detained for stealing gasoline from a private automobile. Police officers held Bhandge and an accomplice at the Aundh Police Station overnight, although the car owner asked the police to reprimand the men and release them. The next morning Bhandge was found dead in his cell. Local residents and Bhandge's family alleged that Bhandge died from beatings received in the station. By year's end, there were no further developments in this case, which remained under investigation.

On April 7, Mumbai police suspended four police officers in the case of Premnath Janardan Rao, an accountant whom the Mumbai police initially said hanged himself on April 6 while in custody. On April 20, in response to a request by Rao's family, the Mumbai High Court ordered a second post-mortem of Rao's body and a magisterial inquiry; as of October police officials remained under suspension and the inquiry was pending.

In June NGOs and media reported that a 20-year-old male Dalit (formerly known as "untouchables" who fall outside of the caste system), Madan Lal, died while in police custody in Ferozepore, Punjab. Lal was arrested on theft charges and died within two hours of his arrest during interrogation. Authorities suspended two policemen.

In March 2005 the Maharashtra CID arrested four Mumbai police officers and charged them in the 2003 custodial killing of Khwaja Yunus, who was detained in connection with a bombing case. Police officers earlier claimed that Yunus had escaped from custody. In January the CBI filed charges against the police officers, who remained free on bail at year's end. In October the Division Branch of the Mumbai High Court ordered Maharashtra Director-General of Police P.S. Pasricha to transfer 10 police officers connected to the case out of Mumbai. He complied.

In May 2005 Mumbai police arrested two Railway Police Protection Force (RPF) constables for killing railway porter Vijay Singh. After the discovery of Singh's body on the terrace of the Mumbai Central Railway Police Station, police stated there was no record of his arrest, but eye-witnesses reported seeing the two constables taking him into custody. As of year's end, the trial against the two police constables was underway in a Mumbai court.

On April 30, army doctors found the body of Captain Sumit Kohli in Kupwara, Jammu and Kashmir. The army said that suicide was the cause of death, while 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 other officer had been accused of killing four porters in the Kupwara District of Jammu and Kashmir.

After the July 11 serial terrorist bombings on seven Mumbai commuter trains that killed approximately 200 commuters and injured more than 700, the media reported that the Mumbai police reinstated so-called encounter specialists by assigning two such officers to the Anti-Terrorist Squad (ATS) investigating the bombings.

From May to August, 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, following a media outcry, the Government of Kerala announced a judicial inquiry into the deaths.

During the year, the Assam Rifles appealed the 2004 Manorama Devi rape and custodial death case to the Guwahati High Court in Assam, arguing that the state had no authority to handle a case involving the army. Manorama's family also appealed to the Guwahati High Court, asking that the findings of the commission and investigation by the Home Ministry in Delhi be made public. All appeals remained pending at year's end.

On September 20, police killed four persons (including a child) and injured 45 when they opened fire in an area of Delhi as demonstrators protested the Government move to seal businesses illegally operating in residential areas.

During the year the killing of civilians continued in the course of counterinsurgency and counter-terrorism operations, including those that took place in Jammu and Kashmir (see section 1.g.). Human rights activists stated that accurate numbers were not available due to limited access to the region, but the ACHR alleged that 355 civilians were killed and 373 injured in police firing 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.

Countermilitants were former separatist guerillas who surrendered but who were permitted by the Jammu and Kashmir government to retain their weapons and paramilitary structure and were inducted into police auxiliary units. Government agencies funded, exchanged intelligence with, and directed the operations of countermilitants as part of the counterinsurgency effort. During the year killings and abductions of suspected pro-government countermilitants continued to be a significant problem in Jammu and Kashmir, although the number of such instances declined substantially from the 1990s.

Violence, often resulting in deaths, was a pervasive element in Jammu and Kashmir politics (see section 3). Separatist guerrillas and terrorists attempted to kill numerous senior politicians, political workers and political activists.

In January insurgents attacked activists of Communist Party of India (Marxist) in Sophian district, Jammu and Kashmir, killing three persons.

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 (see sections 1.b., 1.c., 1.d., and 1.g.). According to human rights activists and journalists, during the year a few Naxalites (Maoist guerillas) in eastern and central parts of the country (including Madhya Pradesh, Andhra Pradesh, West Bengal, Bihar, Chhattisgarh, Jharkhand, parts of Uttar Pradesh, and Maharashtra) 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 January clashes during a protest over the building of a steel plant on tribal land in Jajpur, Orissa resulted in the deaths of twelve members of an indigenous community and one police officer (see section 5).

In March approximately 200 villagers tried, sentenced to death, and publicly beheaded a family of tribals for practicing "black magic" in the Sonitpur district of Assam (see section 5).

In July in Tinsukia district, Assam, local police fired into a crowd and killed eight civilians during protests over the custodial killing of Ajit Mahanta. A military court sentenced an army officer involved in Mahanta's death to one-year forfeiture of service and another to two months' rigorous military imprisonment. The army compensated Mahanta's family $2,130 (Rs 94,000).

Dalits faced societal discrimination (see section 5).

In 2005 the NCRB reported that there were 26,127 cases against the Scheduled Castes (SCs) and 5,713 cases against the Scheduled Tribes (STs). While the average conviction rate for the crimes against the SCs was 29.8 percent, the average conviction rate for the crimes against the STs was 24.5 percent. About 55.1 percent of the total displaced persons in the country as a result of 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, scores of persons disappeared in strife and insurgency-torn areas 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 has de-

creased compared with the early years of the conflict in Jammu and Kashmir. However, there was still virtually no information about the fate of individuals who disappeared since the beginning of the Jammu and Kashmir insurgency.

In 2003 the Jammu and Kashmir government stated 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. In 2003 the Government investigated the APDP list and concluded that 22 "disappeared" persons from a list of 116 had joined insurgent groups or were in Pakistan, while the police had located 43 persons in their homes. Of the rest, the Government stated that six were dead, two were in custody with cases registered against them, and investigations were still ongoing in 13 cases. The APDP responded that only 22 had joined the insurgents, that those whom the Government claimed were at home were actually still missing, and it demanded details in the cases of the six people whom the Government claimed were dead.

In September 2005 ACHR reported that more than 6,000 cases of disappearances remain unresolved in the state. However, according to the director general of police in Jammu and Kashmir, seven persons disappeared in 2003; three persons in 2004; and two persons in 2005–06. According to APDP, 41 persons had disappeared through September. Reports varied widely on the number of disappearances that occurred.

According to former Jammu and Kashmir Deputy Chief Minister Muzaffar Hussain Beig, there were 14 cases of disappearances and 27 cases of custodial deaths in the four years preceding August. In January Manzoor Ahmed Khan disappeared from Kupwara in Jammu and Kashmir. His family registered a case with the police.

In April Ghulam Mohiuddin disappeared from Baramulla in Jammu and Kashmir. Ghulam's family alleged that he was arrested by the army and held in the Joint Interrogation Center in Baramulla. The army released Mohiuddin.

In May Ghulam Nabi Mir disappeared from Pulwama in Jammu and Kashmir. RR officers allegedly raided Mir's residence. The army denied arresting Mir and by the end of the year, he was still missing.

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 extrajudicially (see sections 1.a. and 1.c.).

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 the year the screening committees released 140 persons detained under the 1978 Public Safety Act (PSA).

The Government made little progress in holding hundreds of police and security officials accountable for serious human rights abuses committed during the Punjab counterinsurgency of 1984–94, despite the presence of a special investigatory commission. The CBI claimed to be pursuing charges against dozens of police officials implicated in the 1980s for hundreds of deaths and secret cremations. The NGO ENSAAF estimated that security forces extrajudicially killed and caused to disappear more than 10,000 Punjabi Sikhs and cremated 6,017 Sikhs in Amritsar alone in counter insurgency operations during the militancy.

In September Paramjit Kaur Khalra, the widow of human rights activist Jaswant Singh Khalra, filed a legal petition calling for the investigation and prosecution of former police chief Gill for the abduction, illegal detention, torture, and murder of her husband. According to ENSAAF and other human rights organizations, in September 1995 members of the Punjab police operating under Gill's command abducted Khalra for investigating and exposing the "disappearances" and secret cremations of thousands of Sikhs in Punjab by security forces. Gill's subordinates illegally detained and tortured Khalra for nearly two months, before killing him in 1995.

The NHRC continued to investigate 2,097 cases of murder and cremation that occurred between 1984 and the early 1990s. The NHRC asked families whose members had disappeared to provide evidence and ordered compensation to approximately 100 families. The NHRC has not released its findings, and no significant progress was made in bringing to justice those responsible for the killings.

On May 15, the NHRC ordered the Punjab government to disburse monetary compensation of $5,700 (Rs 250,000) each to the next of kin of 45 persons whom the state government admitted were in police custody immediately before they were killed and illegally cremated. In August 2005 the Nanavati commission, tasked with conducting a re-inquiry into the anti-Sikh riots of 1984, released its report, citing

several prominent Congress Party leaders for complicity in the violence and implicated law enforcement personnel in the deaths, accusing them of refusing to perform their duty to maintain law and order. The Government also set up two committees to disburse financial compensation promised by Prime Minister Singh to the victims' families. The Government approved an extra $158 million (Rs Seven billion) in compensation: $7,800 (Rs 344,000) for every family member killed and $2,800 (Rs 124,000) for those injured.

One human rights activist and lawyer from the state of Punjab reported filing 4,000 disappearance cases. However, only 10 to 12 of these cases had been prosecuted. In July 2005 the NHRC directed the CBI to give the Punjab government access to documents regarding the illegal killing and cremation of 64 persons by the Punjab police during the insurgency. On April 3, NHRC Chairman A.S. Anand stated that the Punjab State government identified 570 persons who had been cremated secretly. On May 15, the NHRC directed Punjab authorities to pay $5,500 (Rs 243,000) to the survivors of 45 victims.

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.

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.

At the end of 2004, the Government verified that few kidnappers were arrested or prosecuted. Insurgents and terrorists in Jammu and Kashmir and the northeast killed some victims who had been kidnapped (see sections 1.a. and 1.g.).

On January 17, the Kuki Liberation Army (KLA) kidnapped Dr. Tongkhojang Lunkim, Chairman of Kuki Movement for Human Rights (KMHR) and demanded a ransom of $200,000 (Rs 8.8 million) in Manipur. The KLA released him on March 18.

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 were subsequently 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 was 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 by police in detention facilities throughout the country was reflected in the number of deaths in police custody (see section 1.a.). 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 officers were subject to prosecution for such offenses, the Government often failed to hold them accountable. According to Amnesty International (AI), torture usually took place during criminal investigations and following unlawful and arbitrary arrests.

NGOs asserted that custodial torture was common in Tamil Nadu. 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. In some cases, the state government provided compensation for victims. In July the Madras High Court ordered the state government to pay $6,666 (Rs 294,000) to a woman. The AHRC claimed that local police in Kerala continued to use torture and assault as a means of criminal investigation.

On September 23, three police officers arrested Saju, a private bus conductor, allegedly because of a complaint filed by the local telephone company. According to the AHRC, the police demanded a bribe of $68 (Rs 3,000). Police allegedly abused Saju when he refused to pay the bribe. Saju died while in police custody.

There were no developments in the February 2005 torture and killing of a Dalit youth by Jalandhar district police or the May 2005 alleged infliction of injuries against Mariappan by police in Tamil Nadu.

There were no developments in the August 2005 beating by assistant commissioner of police Arun Desai of Taj Mohammed in Mumbai.

There were incidents in which police beat journalists (see section 2.a.), demonstrators (see section 2.b.), and Muslim students (see section 2.c.). Police also committed abuses against indigenous people (see section 5).

There were no developments in the January 2005 beating of Roop Narayan Yadav.

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 Armed Forces (Jammu and Kashmir) Special Powers Act 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 (see section 1.d.).

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 were no developments in the February 2005 rape of a minor girl in West Tripura district and subsequent soldier's arrest.

The Ministry of Defense reported that it filed 17 rape cases and 10 murder cases against army personnel from 2003 to 2004. By year's end, one rape case and five murder cases had ended in guilty verdicts. In the remaining cases, the investigations remained ongoing or the charges were proved false.

There were no developments in the January 2005 rape case of 15-year-old Nandeibam Sanjita Devi by two members of the 12th Grenadiers.

There were no developments in the February 2005 rape case involving the Assam Rifles constable and the 12-year-old girl in the Karbi Anglong district of Assam since the arrest of the soldier and two women who assisted the rape.

There were no developments in the September 2005 custodial rape of a widow detained on a murder charge by Bihar police.

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 (see section 1.g.), but these incidents were not included in NHRC statistics, as the NHRC does not have direct investigative authority over the military.

There were no developments in the January 2005 dismissal from military service of Major Rehman or the January 2005 court martial conviction of a rifleman accused of molesting an elderly woman in Pahalgam.

Unlike in previous years, there were no reports of psychiatrists issuing false insanity certificates for the purpose of committing wives of divorce-seeking husbands.

In 2004 the Government gave the NHRC the authority to recommend interim compensation in cases relating to human rights abuses by the armed forces. Officers of the rank of colonel were designated at the command, corps, division and counter insurgency headquarters to monitor human rights issues. Under the guidelines, the NHRC cannot charge or investigate a member of the armed forces of a human rights abuse without government permission.

Prison and Detention Center Conditions.—Prison conditions were harsh, life-threatening, and did not meet international standards. Prisons were severely overcrowded, and food and medical care inadequate. For example, in June a former inmate of Arthur Road Jail in Mumbai filed a complaint with the Maharashtra State Human Rights Commission (MSHRC) alleging that the prison's medical doctor ignored a prisoner suffering from chest pains who subsequently died. As of year's end, the MSHRC was investigating the complaint.

In March 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 and an authorized capacity of 234,462. Overcrowded prisons that exceeded the national average included Delhi (231 percent), Jharkhand (155 percent), and Chhattisgarh (125 percent). Haryana, Uttar Pradesh, Madhya Pradesh, Bihar, Sikkim, Gujarat, Orissa, Tripura and Andaman and Nicobar islands also exceeded the national average.

In December the Government took steps to ease overcrowding in the Tihar jail in New Delhi. Steps included construction of new jails; holding special courts to try cases involving petty offenses; compiling a list of under-trial prisoners who were

granted bail but could not be released; sending these lists to District and Sessions Judges for consideration of their cases on relaxed surety conditions; providing legal aid by the Legal Aid Advocates; and nominating counsel deputed by the Delhi Legal Services Authority to advise prisoners on moving appropriate applications before the High Court for their early release. As of November 29, there were 11,978 inmates in Tihar Jail with a total sanctioned capacity of 5,200.

According to one NHRC report, a large proportion of the deaths in judicial custody were from natural causes, in some cases aggravated by poor prison conditions (see section 1.a.). 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 check-ups on all inmates. By year's end only a few examinations had been performed.

In an effort to avert suicides in police jails, Mumbai police installed close circuit televisions (CCTVs) in police lock-ups across the city. As of January nearly 25 percent of the 84 police stations had CCTVs.

There were no developments in the September 2005 Assam Human Rights Commission's request for appropriate action against jail authorities for mistreatment of Mithinga Daimary and Ramu Mech or the August 2005 death of Robin Handique in detention.

While local authorities often attempted to hide custodial killings, the NHRC and the courts investigated those cases brought to their attention and prosecuted some perpetrators. In most cases, the courts awarded monetary compensation of between $400 (Rs 17,600) and $2,200 (Rs 97,000) 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.

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.

Some NGOs were allowed to work in prisons, within specific governmental guidelines, but their findings remained largely confidential as a result of agreements made with the Government. Although custodial abuse was deeply rooted in police practices, increased press reporting and parliamentary questioning provided evidence of growing public awareness of the problem. 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) visited 61 detention centers and more than 9,000 detainees during 2005, including all 25 acknowledged detention centers in Jammu and Kashmir, and all facilities where Kashmiris were held elsewhere in the country. The IRC registered 554 new detainees and followed up on 1,240 old detainees. The ICRC was not authorized to visit interrogation or transit centers, nor did it have access to regular detention centers in the northeastern states (see sections 1.c. and 4). In August the Government amended the 1993 Protection of Human Rights Act (PHRA), which eliminated the requirement of ascertaining prior notification for prison visits, enabling surprise visits, and empowering the NHRC to form an opinion on the actual conditions inside prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but both occurred during the year.

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. The civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

Corruption in the police force was pervasive and acknowledged by many government officials. Officers at all levels acted with relative impunity and were rarely held accountable for illegal actions. When an officer was found guilty of a crime, the most common punishment was transfer to a different position or post. Human rights activists and NGOs reported that bribery was often necessary to receive police services.

By the year's end, police had not filed charges against Delhi police inspector Satya Raj, who in November 2005 demanded $600 (Rs 26,500) from a dead man's family for return of his body.

The NHRC reported that the majority of complaints it received were against police. 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 the year.

In 2005 the Government worked with a foreign government and the UN Office on Drugs and Crime (UNODC) on a two-year program to train and sensitize law enforcement officials and prosecutors in the country about victims of human trafficking and 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.

On July 9, the media reported that police failed to act against thousands of Shiv Sena (a regional Hindutva party) members who were damaging buses and property after a statue of their party's founder's wife was found defaced with mud at a park in central Mumbai.

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 over-crowded 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 (Rs 485) and $4,500 (Rs 198,000).

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). Nonetheless, SAHRDC reported that more than 1,000 persons remained in detention awaiting prosecution under lapsed special terrorism legislation, and that cases opened under POTA and Terrorism and Disruptive Activities Act (TADA) continued through the judicial system.

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 (see section 1.c.).

POTA contained a sunset feature, which gave the central POTA review committee one year to review all existing POTA cases. The Government established three central review committees to review the cases registered under POTA. The committees were required to review all cases registered under POTA by September 2005, but at year's end, numerous cases had not been reviewed and at least 400 persons remained under detention, according to AI. The sunset provisions also allowed the Government to make new arrests under POTA, despite its repeal, if the arrests were tied to an existing POTA case. The Government could issue a new indictment on a case opened five years earlier under POTA, even if the Government was never associated with the case. It can also extend the one-year limit for reviews; however, at year's end, it had not done so. The law provides that the review committees constituted by the Government shall review all cases registered under POTA by September 20, 2005. In June 2005 the POTA review committee reported that there were 11,384 persons wrongfully charged under POTA who instead should be charged under the 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.

UAPA and POTA continued to be used to hold people in jail for extended periods prior to the filing of formal charges. 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.

In February 2005 the NHRC announced comprehensive guidelines regarding arrest, which included establishing reasonable belief of guilt; avoiding detention if bail is an option; protecting the dignity of those arrested; not allowing public display or parading, and allowing access to a lawyer during interrogation. Police often ignored these guidelines.

In January after an eight-month review by a committee headed by Punjab Chief Secretary Jai Singh Gill, the Punjab government released three former insurgents arrested for actions during the Khalistan movement in the 1980s. The committee recommended that 19 others remain in jail.

Police routinely resorted to arbitrary and incommunicado detention, denied detainees access to lawyers and medical attention, and used torture or ill treatment to extract confessions (see section 5). Human rights experts claimed that discrimination and custodial torture of those too poor to afford legal assistance was common. During the year 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.

In July Muhammad Saleem from Billawar in Jammu and Kashmir was sentenced to 15 years in prison for possession of binoculars, live AK 47 cartridges, and a wireless set. This was the first conviction under POTA prior to its repeal.

Through December 2005, 217 persons were arrested and remained in custody in Gujarat under POTA in connection with the 2003 killing of former Gujarat chief minister Haren Pandya, the 2003 Akshardham temple bombing, the 2002 Godhra train arson case, and the 2002 Tiffin bomb case. During the year the Tiffin bomb case trial was completed, leading to 12 acquittals and five convictions. In July the Supreme Court appointed a judge from the Delhi Sessions Court to review the evidence of nine major trials (the Godhra trial among them), which had been stayed by the Supreme Court since 2003. By year's end, the judge had not concluded his review. In July a POTA court in Ahmedabad convicted all six accused in the 2002 Akashardham temple terrorist attack, which killed 34 persons. Of the six accused, three were sentenced to death and one to life in prison. By the end of the year, the Godhra trial had not commenced.

Throughout the year authorities in Jammu and Kashmir repeatedly detained Kashmiri separatist leaders for short periods of time ranging from several hours to one day, usually to prevent their participation in demonstrations, funerals, or other public events. For example, on March 10, the police took Jammu and Kashmir Liberation Front (Nanji) convener Javid Ahmad Mir and twelve others into preventative custody for violating a prohibitory order in Srinagar. Press reported that Mir was protesting against human rights violations and fake encounter killings when the authorities arrested him. He was released shortly thereafter. On June 22, Mir was arrested briefly again on June 22 on the same charges.

On March 17, police took extremist Hurriyat Conference member Syed Ali Shah Geelani into preventative custody, along with four others, near Srinagar as he traveled to Baramulla to deliver a speech. Human rights groups asserted that the sole reason for the arrest was to ensure he did not address the assembly. He was arrested again on June 7 and held until June 29 for "inciting communalism." Jammu and Kashmir police arrested Geelani again on October 12 to prevent him from taking part in the funeral of a youth allegedly tortured and killed by Delhi police. The press reported that this was the seventh time during a 45-day period that the Government placed restrictions on Geelani.

The National Security Act (NSA) permits police to detain persons considered security risks anywhere in the country—except for Jammu and Kashmir—without charge or trial for as long as one year on loosely defined security reasons. State governments must confirm the detention order, which is then reviewed by an advisory board of three high court judges within seven 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 five days (10 to 15 days in exceptional circumstances). On January 12, 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 minister, Mulayam Singh Yadav, warned that "troublemakers" at the university would be punished, authorities charged the doctor on January 19 under the NSA.

Human rights groups alleged that the NSA allowed 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.

The PSA, which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge and judicial review for up to two 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, 473 persons in 2005 and 420 during the year were arrested under PSA. According to the ACHR, there were 140 foreign nationals in prisons in Jammu and Kashmir under the PSA.

On January 10, authorities released Sayeda Assiya Andrabi, the head of the all-female Dukhtaran-e-Millat, and eight of her associates. They had been arrested in September 2005 for campaigning against adultery, prostitution, and drug addiction.

In August the Jammu and Kashmir High Court overturned the detention of seven persons held under the PSA, arrested for alleged involvement in militancy related incidents.

During the year the Government released 140 persons held under the PSA.

In March the Chhattisgarh State government enacted the Special Public Protection Act (SPPA), which HRW deemed "a vague and overly broad law that allows detention of up to three years for unlawful activities." HRW asserted that the law loosely defines 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.

The Armed Forces Special Powers Act (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 June 2005 a Home Ministry committee reviewed AFSPA and submitted its report and recommendations. On October 8, confirming years of press speculation, the Justice B.P. Jeevan Reddy Review Committee report was publicly released and recommended the repeal of the act and gave the central government power to send forces where required. The Jeevan committee recommended that inquires be allowed and offending soldiers not punished.

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.

For example, on February 16, media reports indicated that authorities incarcerated Shanka Dayal for 44 years without trial in the Unnao District Jail in Uttar Pradesh. The report said that Dayal had spent 43 years in a mental asylum and his family believed he was dead. Similarly, authorities incarcerated Jaldhar Yadav 20 years in Bihar for "wrongfully restraining a person and causing hurt." Under the law, the maximum sentence for this offense is one year in prison or a fine of $45 (Rs 1,985) or both. 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.

According to the ACHR, as of December 2005, there were 34,481 cases pending in the Supreme Court, approximately 3.5 million cases pending in the High Court, and approximately 25.6 million cases pending in the subordinate courts.

The country had 1,734 operational fast-track courts, which provided some relief to the backlog and contributed to the growing consensus to increase the number of fast-track courts throughout the country.

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 the court of appeals and lower courts. Lower courts hear criminal and civil cases and send appeals to the court of appeals. 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. Sentences must be announced publicly, and defendants have the right to choose counsel independent of the Government. There are effective channels for appeal at most levels of the judicial system, and the state provides free legal counsel to indigent defendants. Defendants were allowed access to relevant govern-

ment-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. In 2003 the Delhi High Court issued new witness protection guidelines to reduce the number of witnesses who recanted their testimony under threat from defendants. NGOs reported that the guidelines were not effective, and many demanded a central law on witness protection. Under these guidelines, witnesses could apply to the Member-Secretary of the Delhi Legal Services Authority (DLSA) for protection. Such recommendations are sent to the Legal cell of the Delhi police, who in turn informs the concerned districts. However, only six recommendations were forwarded to the Delhi police by the DLSA in one year due to lack of police resources. High-profile guilty verdicts involving powerful elites accused of murder, such as Manu Sharma or Santosh Singh, were reached based largely on the testimony of witnesses.

There was continued concern about the failure of the Gujarat government to arrest and convict those responsible for the widespread communal violence in 2002 following the burning in Godhra of the S–6 coach of the Sabarmati Express train, in which 59 men, women, and children died. In the days following the train burning, Hindu mobs killed hundreds of Muslims, displaced tens of thousands, and destroyed thousands of dollars worth of property.

In many cases attempts to hold perpetrators of the Gujarat violence accountable were hampered by the manner in which police recorded complaints. Victims related that police refused to register their complaints, recorded the details in such a way as to lead to lesser charges, omitted the names of prominent people involved in attacks, and did not arrest suspects, particularly supporters of the Bharatiya Janata Party (BJP). HRW alleged that instead of helping Muslims in finding their relatives' bodies, the Gujarat police victimized and harassed them. In August 2004 the Supreme Court instructed the Gujarat High Court to appoint a committee of high-level police officials to re-examine the 2,032 closed cases out of a total of 4,252 complaints filed and determine whether any should be reopened. In February Gujarat police informed the Supreme Court that they would reexamine the closure of 1,600 of the 2,032 cases, and reinvestigate some of the cases by filing fresh FIRs. The media reported that officials attempting to conduct a serious investigation into the incidents were promptly removed from the case.

The first of the convictions in post-Godhra riot cases came in 2003, when the Kheda district court sentenced 12 persons to life in prison. In December 2005 a special court in Gujarat sentenced 11 Hindus to life in prison for killing 11 Muslims in the 2002 violence. In other cases that concluded during the year, the accused were acquitted due to a lack of evidence, faulty investigations or because witnesses had been bribed or were afraid to testify. Human rights groups alleged that, with the exception of the high profile cases in which the Supreme Court has taken interest, accused persons were most likely to be acquitted.

In 2002, Hindu assailants burned the Best Bakery in Baroda, killing 14 persons. On February 24, the Mumbai retrial of the Best Bakery case found nine defendants guilty of murder by arson and sentenced them to life imprisonment, while another eight were acquitted. In March the Supreme Court convicted principal witness Zaheera Shaikh, whose family owned the Bakery, of perjury after she repeatedly changed her testimony, according to HRW and AI, due to intimidation by prominent members of the BJP. On March 29, Shaikh was sentenced to one year in prison and was serving the sentence in a Mumbai jail.

Police officials and local authorities allegedly unearthed mass graves from the 2002 Gujarat violence early in the year. It was alleged at the time of the violence that in several cases the police originally tried to bury and conceal evidence. For example in January, in Kalol, Gujarat, the investigating agency CBI arrested six policemen and two doctors for deliberately destroying evidence and thereby shielding the accused in the 2002 Randhikpur massacre.

In addition, some bodies from the Kidiad killings, where over 70 persons were burned alive in March 2005 in two cars at Limbadiya Chowki in Sabarkantha district, were found in the Panam dam. According to police records, a case of eight deaths was reported. Following the 2002 acquittal of all the accused in the Kidiad killings by a judge based in Godhra, the Supreme Court issued a notice in 2003, and the state government fired the two prosecutors involved in the case. An appeal was filed before the State High Court. A senior police official said it was still unclear whether the discovered remains belonged to riot victims or whether an older graveyard had been unearthed. The Gujarat police dismissed the unearthing of the mass grave as an unnecessary publicity campaign by victims' family members.

The other high-profile trial from the 2002 Gujarat violence, the Bilkis Bano gang rape case, was ongoing in a Mumbai court as of year's end (see Section 5).

The Gujarat government claimed that police had re-opened investigations against 5,384 persons in the city of Ahmedabad and 24,683 persons in the state as a whole.

However, analysis by the Islamic Relief Committee of Gujarat revealed that only a small number of these investigations actually led to convictions. As of October there were fewer than 10 convictions out of 217 cases concluded in the lower courts of Gujarat. 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. All Gujarat-related cases are under investigation in an official inquiry conducted by retired Justices G[.] T. Nanavati and K.G. Shah. The inquiry included gathering and analysis of 20,940 oral and written testimonies, both individual and collective, from survivors and independent human rights groups, women's groups, NGOs, academics, and police officials.

HRW reported in 2005 that Hindu extremists threatened and intimidated victims, witnesses, and human rights activists attempting to prosecute those who committed crimes during the 2002 Gujarat riots. It asserted that instead of pursuing the perpetrators of violence, the Gujarat government nurtured a climate of fear. The report alleged that the Gujarat government launched selective tax probes against some Islamic organizations to pressure Muslim witnesses to withdraw murder and arson charges against Hindu nationalists. According to HRW's annual report published in January, "The Gujarat government again failed to investigate and prosecute those responsible for attacks on Muslims during the Gujarat riots of 2002." According to AI's May annual human rights report, "The perpetrators of human rights violations in India continue to enjoy impunity, particularly in Gujarat. The survivors of targeted killings and sexual violence in Gujarat in 2002 continued to be denied justice and reparation." The Gujarat government denied the charge.

On September 5, according to media sources, 12 Kamptapur Liberation Organization (KLO) leaders, six Maoist activists and one United Liberation Front of Asom (ULFA) cadre went on an indefinite hunger strike in the Jalpaiguri Central Jail, West Bengal, after their repeated requests for a speedy trial or bail during trial went unheeded. On September 18, 34 KLO prisoners in the same jail joined the hunger strike after some of their leaders fell seriously ill and were admitted to the hospital. About 300 members of the same groups all over the KLO in West Bengal went on a two-day hunger strike to protest the lack of progress in adjudicating the case.

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 of October there were 1,734 fast track courts. A total of 18 million cases were pending in courts across the country, of which 16 million were criminal cases. There were approximately 10 judges for every million people.

Unlike 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 were often 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, there were currently 377 persons of unidentified ethnicity and Kashmiris and 136 foreigners in jails.

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.

There were no reports of political detainees during the year, although the Government 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 (see section 5).

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 one-year sentence for persons who fail to provide information to the Government on request and a five-year sentence for transmitting "lascivious" material (see section 2.a.). The act also requires Internet cafes to monitor Internet use and inform the authorities of offenses (see section 2.a.).

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 every state government used these powers 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 the new UAPA ordinance 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.

Seven states (Andhra Pradesh, Rajasthan, Orissa, Himachal Pradesh, and Maharashtra) enacted two-child laws for village council members with very low levels of enforcement. The laws 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.

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.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The AFSPA and the Disturbed Areas Act 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 Disturbed Areas Act gives police extraordinary powers of arrest and detention, and the AFSPA provides search and arrest powers without warrants (see section 1.d.). Human rights groups alleged that security forces operated with virtual impunity in areas under the act. In January a committee headed by Supreme Court Justice Jeevan Reddy recommended the act be scrapped because the Government had authority under UAPA to combat the insurgency in the northeast. At year's end, the act remained in force.

Accountability by the Jammu and Kashmir government remained a serious problem. Human rights groups estimated that 30,000 to 35,000 persons died during the 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 (see section 1.b.), and torture (see section 1.c.). 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 security forces. According to South Asia Terrorism Portal (SATP), as of December 18, there were 340 civilians, 166 security force personnel, and 592 terrorists killed as a result of terrorist violence.

There were continuing reports of civilians killed in cross fire in Jammu and Kashmir during the year. On February 22, four Kashmiri youth between the ages of eight and 18 were killed in cross fire between insurgents and soldiers in the Kupwara District in Northern Kashmir. The army stated that the killings occurred during a firefight when soldiers responded with rifle fire to an insurgent grenade. The killings sparked several days of antigovernment protests in the area. The Jammu and Kashmir chief minister and the army launched separate inquires into the matter. On February 26, the army stated it provided $4,800 (Rs 212,000) compensation to the families of each of the victims. The state government provided $2,400 (Rs 106,000).

Terrorists and insurgents operating in Rajouri, Poonch, Udhampur, and Doda areas of Jammu and Kashmir repeatedly targeted the minority Pandit (Hindu Brahmin) community, stabbing and killing entire families at a time in numerous incidents throughout the year. For example, in June insurgents killed one man and injured 13 persons, cutting the noses and ears from two victims in the Udhampur District.

Civic elections were held in February 2005 in Jammu and Kashmir. Despite threats and boycott calls, polling was largely peaceful, and the army and police presence was not large. After the declaration of results, terrorists killed two newly elected members and several of their relatives and friends. Several elected counselors resigned following threats from terrorists. Insurgents killed an official in Kulgam, a National Conference counselor in Ikhrajpora, and a People's Democratic Party (PDP) counselor in Beerwah, Budgam district.

Members of the security forces continued to abduct and kill suspected insurgents, and security forces were not held adequately accountable for their actions. Reliable data on such cases were difficult to obtain.

According to credible reports, in addition to harassment during searches and arbitrary arrests (see section 1.d.), security forces clearing minefields abducted and sometimes used civilians as human shields. Such abuses occurred mostly in the Kupwara and Doda districts.

In September security forces killed three members of a family in the Kokernag area of south Kashmir. In Kupwara, security forces killed a girl and her uncle when they were heading towards a nearby jungle to get firewood. The army issued its regrets and advised the people against venturing out during night hours.

On December 10, a soldier fired upon shopkeeper Manzoor Ahmad Wani at Mirmaidan village in south Kashmir. Wani had failed to immediately expose his arms from under his pheran (long Kashmiri robe) after a soldier asked him to do so. Wani was hospitalized.

On December 17, Rashtriya Rifles troops killed a 62-year-old village headman, Sanaullah Magray. The army said the killing was a case of mistaken identity and that the villager had entered an ambushed area and ignored warnings to stop. The Government conducted an investigation, and the army ordered a separate inquiry into the incident.

Unlike 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.

In February army personnel killed four youths playing cricket in Kupwara district. Massive protests followed the killing, and 15 persons were injured in police firing and use of tear gas. In September the Jammu and Kashmir government asked the district and session court to investigate the incident. On September 19, the army removed the unit's commanding officer, Colonel R.S. Guleria, for what was termed inefficiency and ineptitude. The NHRC asked the Jammu and Kashmir government to provide a detailed report of the killing. The Government had not done so by the end of the year.

On May 21, the terrorist group Lashkar-E-Tayyiba (LET) killed seven persons and injured 25 in an attack on a Congress rally in Srinagar.

On May 3, AI reported the killing of at least 35 Hindus and the additional wounding of 10 others in a predominantly Muslim area of Jammu and Kashmir ahead of a meeting between the Prime Minister and Hurriyat leaders.

On July 8, the Jammu and Kashmir police claimed that rebel group Hizbul Mujaheedin detonated a powerful grenade in Kulgam that killed five people, including former National Conference (NC) legislator and state tourism minister Sakina Ittoo, and injured 50 others. The insurgents attacked Ittoo with a grenade as she was leaving a shrine in south Kashmir's Anantang District.

There were no developments in the November 2005 killings of two village men used as human shields by insurgents in Pattan, Kashmir.

There were no developments in the February 2004 killing of five civilian porters allegedly used as human shields by security forces in Kashmir.

In the northeast, human rights groups observed that violence persisted despite ongoing talks between separatist groups and state government officials and a 2004 government ceasefire. Factional violence between the National Socialist Council of Nagaland Isak-Muivah (NSCN-IM) and the National Socialist Council of Nagaland Khaplang (NSCN-K) continued during the year, resulting in numerous deaths. Between July 2005 and June, government representatives and NSCN-IM leaders met in Amsterdam and agreed to extend the ceasefire.

In August the army operation against the banned ULFA group from Assam was suspended for one month to foster peace in the state. The decision to halt operations met a key demand of the ULFA, which responded to the suspension by announcing

a "cessation of hostilities." However operations were re-launched in September as ULFA resumed violence.

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 (Maoist insurgent) violence.

Southern Chhattisgarh was a center of Naxalite violence, with over 300 insurgent-related casualties from January to August. A counterinsurgency movement among the region's tribal population called "Salwa Judem" began in June 2005 and was supported by the state government. Naxalite retaliations against the movement resulted in violent civil conflict in Dantewara district and a large number of civilian deaths.

On March 2, an estimated 500 Naxalites raided a small village in Dantewara district, killing four with axes and knives and abducting five. During the year there were several reported instances of Naxalites using landmines to target government vehicles and police personnel. Also in March Naxalites destroyed a railroad engine in an attempt to disrupt iron-ore shipments from the large government-owned Bailadila mines. On June 20, insurgents killed seven persons and injured two others at Chikuarguda village in the Konta region of Dantewara district after the villagers refused to support the Naxalites' planned attack on a camp of internally displayed persons (IDPs) (see section 2.d.). On July 17, Naxalites attacked an IDP camp in Arrabore, killing an estimated 20 to 30 inhabitants, including several infants. An estimated 75 persons were injured.

After the Naxalites shot and killed Congress legislator Chittam Narsi Reddy in Mahbubnagar District, Andhra Pradesh, in August 2005, the state government imposed a ban on the Communist Party of India-Maoist (CPI-M) and seven Naxalite front organizations. After the ban, police arrested Vara Vara Rao, who had acted as the CPI-M emissary in earlier peace talks. Rao belonged to the outlawed People's War Group (PWG), which was a sub-group of CPI-M. Human rights activists claimed that the escalation in violence began in January when police shot and killed three Naxalites in Prakasan district. Reports of encounter killings were highest in Nizamabad District in 2005, where police shot and killed nine Naxalites. In September Naxalite guerrillas killed 10 persons in a midnight attack in the Ranchi area of Jharkhand. According to the SATP, in September 2005, cadres of the CPI-M killed 17 civilians at Belwadari village in the Giridih district, Jharkhand. According to SATP, as of December 11, 263 civilians and 121 security forces were killed in Naxalite-related extremist activities during the year.

The killing of civilians by Naxalites in Andhra Pradesh continued. ACHR estimated that Naxalite violence killed at least 460 persons in the first half of the year, including 90 security personnel, 189 suspected Naxalites, and 181 civilians. According to Andhra Pradesh police, the number of civilian killings committed by Maoists decreased to 42 during the year, compared with 211 in 2005. The police combing operations resulted in encounter killings of 110 Maoists during the year, compared with 124 in 2005.

On July 17, armed Naxalites attacked the Errabore Relief Camp in Dantewada district, killing approximately 30 unarmed civilians and injuring hundreds. The attackers abducted more than 45 persons and then reportedly released some hostages and killed six others, including security personnel. According to the police, all six hostages killed were surrendered Naxalites.

In December 2005 the People's Liberation Army (PLA) killed Manipur Inspector General of Police (Intelligence) T. Thangthuam, along with a constable, in an ambush in Manipur's Bushnupur District. Heavily armed insurgents in a truck overtook the police officer's vehicle in the Oinam Bazaar area and fired indiscriminately, killing the two on the spot. On August 16, five civilians, including two children, were killed and 50 others injured when suspected terrorists threw a powerful grenade in a temple in Imphal during a Hindu festival. On August 20, the Zomi Revolutionary Army killed two civilians and injured four when the cadres opened fire on a crowded church, targeting a patrol party of Assam Rifles in Churachandpur District.

On February 5, the army picked up Ajit Mahanta, a resident of Kakopathar, Tinsukia, Assam, on suspicion of having links to the ULFA. The next day his body was found in a gunny bag at Assam Medical College, Dibrugarh. Mahanta's death caused widespread resentment, and on February 10, a mob of 10,000 persons gathered to protest and march to the Lajum police station when police opened fire, killing eight persons. Protesters stoned to death one soldier. The army gave monetary compensation to Mahanta's widow. The Assam government also announced they would compensate the widow and the families of those killed in the shooting. The Defense Ministry convened a court-martial, which found an officer and a rifleman

guilty. The findings and sentence remained subject to confirmation by higher army authorities.

Between June 8 and 11, ULFA explosions in Assam killed five and injured 40.

In November three civilians—including one woman and one child—were killed and 11 injured when an explosion triggered by suspected ULFA militants at the railway station exploded in Guwahati, Assam.

Through December 18, SATP reported the following deaths as a result of insurgency-related violence: 91 civilians, 37 security forces, and 42 militants killed in Assam; 103 civilians, 37 security forces and 136 militants killed in Manipur; 10 civilians, one security force member, and 80 militants killed in Nagaland; 11 civilians, 19 security forces, and 30 militants killed in Tripura.

On February 28, according to AI, suspected Maoists belonging to the PWG set off a landmine in Dantewada, Chhattisgarh, killing 236 and injuring 30.

On March 3, Maoists disguised as a marriage party attacked a security check point in Jharkand and killed five security officers.

Between March 4 and 5, Maoists killed two Communist Party of India-Marxist (CPM) workers in separate attacks in West Bengal and kidnapped 10 CPM members.

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 (PCI) 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 television 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. For example, on February 9, members of the Kangleipak Communist Party in Imphal shot and injured Ratan Luwangcha, general secretary of the All Manipur Working Journalists' Union.

On June 10, unknown assailants attacked and killed Arun Narayan Dekate, a rural correspondent with the Marathi daily Tarun Bharat. According to press re-

ports, Dekate had exposed and informed police about an illegal gambling racket headed by alleged gambling boss Dhampal Bhagat. Authorities arrested several suspects in the case.

In June an imam of a mosque in Kolkata (Calcutta) issued a fatwa (religious edict) against exiled Bangladeshi writer Taslima Nasreen, offering a reward of $1,100 (Rs 48,500) to anyone who smeared black paint on her face and drove her out of the country. The police commissioner reportedly summoned the imam, who denied issuing the fatwa.

In August the Punjab State Human Rights Commission sought an inquiry into the arrest of two journalists, Harjit Singh Kohli and Gurmit Mann, who were investigating the arrest of one girl and three boys in a police constable's residence. Police allegedly filed a falsified FIR against the journalists after they refused to hand over their notes.

There were no developments in the July 2005 harassment and intimidation of South Asia Tribune correspondent Arun Kumar Rajnath or the August 2005 arrest of Indian Express correspondent Gautam Dheer.

There were no developments in the June 2005 harassment of journalists in Meghalaya by police and the Meghalaya government or the August 2005 Tamil Nadu issuance of "breach of privilege" notices against journalists who published two controversial articles.

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.

In February members of a breakaway faction of the Jammu and Kashmir Liberation Front reportedly threatened editors of the newspaper Greater Kashmir for failing to cover adequately a general strike called by the group.

In May the main cable television operator in Kashmir stopped airing programs following threats from separatists. The cable company noted that separatists, thought to be members of a little-known group called the Al-Madina Regiment, complained of the "depraved nature" of the programming. A larger insurgent group, Hizbul Mujahideen, denied that any separatists were involved and accused local officials of orchestrating a shut-down to divert attention from a sex scandal.

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. In March 2004 the Maharashtra state government filed criminal charges against a foreign professor for allegedly slandering Shivaji, a 17th century Marathi warrior, and his mother in his book. The case remained open at year's end, and the Maharashtra state government continued to ban the book. In January the Maharashtra state government banned another book on Shivaji by the same author, published in 2001, for fear it would create communal tension. In September 2005 the Kolkata (Calcutta) High Court removed the April 2004 West Bengal government ban on Bangladeshi author Taslima Nasreen's autobiography, Dwikhandita, Amaar Meyebela.

In March and April 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 book (see section 2.c). 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, this law theoretically allowed 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.

On July 13, the Department of Telecommunications asked Internet Service Providers (ISPs) to block several Web sites. The known list of blocked domains included blogspot.com, typepad.com and geocities.com, which terrorists allegedly used. The block was lifted after two days.

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. These guidelines remained in force during the year. In most cases, the HRD ultimately permitted the international academic exchanges to take place after bureaucratic delays. However, in 2005 the Ministry of Home Affairs denied visas to six foreign scholars because the Government was "not in favor of undertaking the proposed research project." During the year, the Ministry of Home Affairs denied 21 scholars visas.

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 January 1, police shot 12 adivasis (tribals) in Kalinga Nagar, Jajpur District, in Orissa. The police shooting occurred when 600 tribals gathered to block the construction of a boundary wall at a Tata Corporation steel plant. When police tried to break up the demonstrations, the tribals attacked the police with arrows and stones, killing one policeman. The police responded by firing tear-gas shells and rubber bullets and opening fire with bullets. In addition to the 13 deaths, 25 people were wounded in the clash. The Government of Orissa ordered the suspension of the district administration police chiefs and announced a compensation of $11,000 (Rs 485,000) for the victims' families.

In March police fired into a crowd of protesting fishermen, killing one and severely injuring several others, at Gangavaram Port in Andhra Pradesh. The fishermen were demanding compensation for restrictions on fishing in the area. In June the Government agreed to a compensation plan.

In May the NHRC requested that Mumbai and Delhi Police provide a "factual report" to justify using a lathi, a bamboo stick used for crowd control, against students protesting medical school admittance quotas in New Delhi and elsewhere.

In June police fired on demonstrators who were protesting custodial killings in Pattan town in north Kashmir, killing two and injuring 25, sparking attacks on police stations and highway blockades.

In September two persons reportedly were killed and at least thirty policemen were injured during a traders' protest against the ongoing sealing drive in New Delhi. The chief minister Sheila Dixit, ordered a magisterial inquiry into the incidence of violence.

There were no developments in the May 2005 killing of a nine-year-old girl by police who were attempting to disperse a clash between villagers in Srinagar.

There were no developments in the June 2005 Orissa police shooting, when protesters stormed a police station demonstrating against the delay in the arrest of a molester of minor girl.

There were no developments in the August 2005 killing by police of two people in Bihar who were protesting the removal of a bus stand following the death of a child in a bus accident.

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, it sometimes 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 at times adversely affected 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.

Some human rights groups alleged that there were ideological ties between the Rashtriya Swayamsevak Sangh (RSS) and the BJP state governments that may have influenced the BJP's response to acts of violence against religious minorities.

Legally mandated benefits were assigned to certain groups, including some groups defined by their religion. For example, educational institutions administered by minority religions were allowed to reserve seats for their co-religionists 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 would no longer technically be a Dalit, although such caste distinctions informally existed in both religions.

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, Chattisgharh, Madhya Pradesh, and Orissa have laws against forcible conversions. Gujarat passed anti-conversion legislation which has never been enacted as the state government has yet to publish the regulations needed for enforcement.

In 2003 Gujarat passed a "Freedom of Religion" Act that provides penalties of up to three years in prison and a fine of $1,000 (Rs 44,000) for the use of inducement or force for religious conversion. On September 19, the state assembly passed the Gujarat Freedom of Religion (Amendment) Bill. The amendment claimed that Buddhists and Jains were subsets of Hinduism, despite the 1992 National Commission for Minorities Act that identified Buddhism as a separate religion and Supreme Court action in the current year recognizing the sovereign identity of Jains. The amendment states that there would be no government intervention if a person changes from one sect to another (i.e. Shia to Sunni or Protestant to Catholic, or Hindu to Jain.)

In March the Rajasthan government introduced and the state assembly passed legislation banning conversions by "force, allurement, or fraudulent means," but by year's end it was not signed into law after both the state governor and President Abdul Kalam refused to endorse the legislation.

In July the states of Madhya Pradesh and Chhattisgarh enacted changes to existing anti-conversion laws requiring prior permission of district authorities before any conversion takes place. The new amendments also excluded Christians intending to "reconvert" to Hinduism from the prior permission requirement. Chhattisgarh's legislation would protect Hindu "purification rallies," which were large public events where Hindu activists "re-convert" entire villages of Christian tribal people. At year's end, the amendments were not operational.

On May 22, the Tamil Nadu Assembly repealed the Tamil Nadu Prohibition of Forcible Conversion of Religion Act, 2002.

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 in Andhra Pradesh, 14 in Chhattisgarh, 28 in Madhya Pradesh, two in Orissa, and one in Uttar Pradesh between July 2005 and June. In most cases, the people picked up under the conversion laws are released on bail after spending a night in police custody. Faith-based NGOs allege that this is 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 organiza-

tion 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.

Some laws, such as the repealed POTA, while not specifically written to target a minority group, affected particular ethnic or religious groups. A July 2004 study carried out by the NGO People's Tribunal in 10 states found that 99.9 percent of those arrested under POTA were Muslims.

In response to EMI headquarters' distribution of Haqeeqat, deemed disrespectful of Hindu beliefs, a prominent Hindu leader offered a bounty of $26,000 (Rs 1.15 million) 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, the Government of Rajasthan suspended the registration of EMI property and froze its assets. By year's end, EMI's bank account had been re-opened and its registration had been restored (see 2.a.).

In April communal clashes between Hindu and Muslim residents of Aligarh, Uttar Pradesh, which stemmed from the use of loudspeakers during a religious festival, resulted in two deaths and eight injuries. An NCM investigation determined that the Uttar Pradesh administration initially did not take appropriate steps to prevent the violence. The police launched a judicial inquiry.

From March 2 to 4, groups of Hindus attacked and destroyed Muslim shops and vehicles in two towns in central Goa. The group protested the illegal construction of a mosque by recent Muslim immigrants.

On March 7, three bombs exploded at the Sankat Mochan temple and railway station in Varanasi, killing at least 23 people and injuring several others. The Uttar Pradesh chief minister claimed police killed one alleged attacker, a member of the Lashkar-e-Tayyiba terrorist group.

On May 1, police shot and killed two Muslims during protests over the removal of a Muslim shrine in Vadodara, Gujarat. In the violence that ensued, police injured another 60 persons, mostly Muslims. Unknown assailants stabbed and killed two Hindus. According to the media, the police reportedly dealt heavy handedly with Muslim rioters.

On September 8, two bombs attached to bicycles exploded in Malegaon, Maharashtra, killing 37 people and injuring 125, most of them Muslim worshipers leaving a mosque after Friday prayers. On October 30, authorities arrested a member of the Students Islamic Movement of India (SIMI) for his alleged involvement with the blast.

The Gujarat government paid a total of $3,400 (Rs 150,000) to the next of kin of each person killed in the 2002 violence and paid approximately $447,000 (Rs 19.7 million) towards relief and rehabilitation, according to Chief Minister Narendra Modi. NGOs and newspapers criticized the Gujarat government for discriminating between Hindus and Muslims in dispensing compensation. In November the central government announced payment of approximately $15,909 (Rs 700,000) to each of the families of the Gujarat riots as compensation. By year's end, this had not been implemented.

Societal Abuses and Discrimination.—Tensions between religious groups, while rare, continued during the year. Attacks on religious minorities occurred in several states, which brought into question the state governments' ability to prevent sectarian and religious violence or prosecute those responsible.

Several human rights and religious freedom NGOs, including the All India Christian Council and the All-India Catholic Union (AICU) expressed concern over growing anti-Christian violence in several states governed by the BJP, some of whom had affiliations with fundamentalist groups associated with the RSS. In November 2005 the AICU reported that there were approximately 200 attacks against Christians throughout the country during the year.

On January 16, Hindu fundamentalists burned the houses of three Christian families of Matiapara village in Jaipur, Rajasthan. The police did not initially accept the FIR filed by the pastor and members of the church. However, the police did accept a FIR from Hindus accusing the pastor of forcible conversion. Both complaints were forwarded to the court. The police allegedly harassed the pastor and his acquaintances. The Orissa State Human Rights Commission conducted an investigation into the incident, which had not been concluded at the year's end.

In March media reported that Hindus set a Christian church on fire at Gunthaput village in the Orissa district of Koraput. The All India Christian Council approached the District Collector for redress.

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 schools. 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.

There were no developments in the February 2005 killings of Gilbert Raj or Dilip Dalai.

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.

There were no reports during the year of anti-Semitic acts against the country's small Jewish community which constituted 0.76 percent of the total population.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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 advocating 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 faced extended delays, often up to two 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; however, there were no reports of forced exile during the year.

Internally Displaced Persons (IDPs).—According to the Norwegian Refugee Council, at least 650,000 persons were displaced due to conflicts in Jammu and Kashmir, Gujarat, and the northeast (see sections 1.a., 1.c., and 1.g.). Approximately 300,000 Kashmiri Pandits (Hindu Brahmins), who were 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, some 15 years after the start of the insurgency; they were unable to return to their homes in Jammu and Kashmir because of safety concerns, including the on-going killings of Hindus in the state.

The NHRC reported that the Pandit population in Jammu and Kashmir dropped from 15 percent in 1941 to 0.1 percent during the year. According to the Ministry of Home Affairs Annual Report for 2005, there were 55,476 Kashmiri Pandit migrant families of which 34,088 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. The Government provided monthly cash relief of $70 (Rs 3,100) and basic dry rations to 14,869 families in Jammu. In Delhi, authorities provided $75 (Rs 3,300) to 4,100 families.

In October, 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.

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. 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 the year the Chhattisgarh government opened IDP camps in Dantewara district for tribals caught in fighting between Naxalites and activists of a counter-insurgent 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 (see section 1.g.). There also were allegations of trafficking in persons in the camps (see section 5). 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 "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 UN 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 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 UN High Commissioner for Refugees (UNHCR), at the end of November, there were 11,585 refugees under UNHCR mandate in the country.

UNHCR reported during the year that the Government hosted over 300,000 refugees, including 1,803 from Burma, 9,528 from Afghanistan, and 254 others from Bhutan, Nepal, and Chakmas. 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 and the office of the UNHCR direct access to refugee and IDP camps, particularly in Mizoram. However, UNHCR was given 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 was of poor quality. The UNHCR continued to meet outside the camps with Tamil refugees considering voluntary repatriation. The NGO Organization for Eelam Refugee Rehabilitation (OfEER) had regular access to the camps during the year. According to OfEER, there were 121 refugee camps and one "special camp" which housed suspected members of the Liberation Tigers of Tamil Eelam (LTTE). As of November 2005, only 11 refugees remained in the single camp. Sri Lankans who claimed to fear the escalating violence between LTTE cadres and Sri Lankan security forces in Sri Lanka took refuge in approximately 100 camps in Tamil Nadu. According to the UNHCR, 27 Tamil refugees returned to Sri Lanka during the year. As of August, there were 60,604 Sri Lankan refugees living in 105 refugee camps. By year's end 16,492 additional refugees had arrived. The Government provided them with subsidized rice and other essential goods.

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 either chose not to deport them, issued them renewable residence permits, or ignored their presence. Due to financial and other rea-

sons, 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 Chin from Burma who were living in New Delhi. However, UNHCR did not have access to the larger population of ethnic Chin living in the northeastern states. An estimated 40,000 to 50,000 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. In 2004 Reang leaders in the camps pressed for reserved jobs, education benefits, and a comprehensive rehabilitation package. The Mizoram government rejected the demands, maintaining that only 16,000 of the refugees had a valid claim to residence. After several rounds of negotiations, the Mizoram government and Reang-dominated Bru National Liberation Front (BNLF) insurgents signed a peace accord in June. Mizoram also agreed to take back Reangs who had fled to Tripura to escape the conflict.

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 January 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. No further action had taken place by the end of the year.

The BNLF and Mizoram government agreed on a $6.3 million (Rs 277.9 million) financial package and paved the way for the return of Reang IDPs in North Tripura. However, the return was yet unimplemented. The return of Bru refugees was not implemented because civil society groups like the Young Mizo Association and the Mizo Students' Union objected with the argument that these Brus were not all originally from Mizoram. No decision was reached at the end of 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 based on universal suffrage.

Elections and Political Participation.—The Government changed hands following free and fair national parliamentary elections in April and May 2004 in which approximately 675 million citizens participated. The country has a democratic, parliamentary system of government, with representatives elected in multiparty elections. Parliament sits for five years unless dissolved earlier for new elections, except under constitutionally defined emergency situations.

Citizens elected state governments at regular intervals, except in states under President's rule. During the year, relatively peaceful elections took place in the states of Assam, Bihar, Kerala, Tamil Nadu, West Bengal and in the Union Territory of Puducherry, although some election-related violence occurred. According to press reports, 14 people were killed and 36 injured in Bihar, and in April insurgents killed one person and injured 32 in Jammu and Kashmir. The press reported that despite the violence, voter turnout was the highest in 16 years and that the polls were generally free and fair. The Tamil Nadu and Kerala elections led to peaceful transitions of power to opposition parties.

There were 72 women in the 783-seat national legislature, and 10 in the 34-member cabinet of ministers. 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 (Panchayats).

The constitution reserves seats in parliament and state legislatures for scheduled tribes and scheduled castes in proportion to their population (see section 5). Indigenous persons actively participated in national and local politics.

Government Corruption and Transparency.—Corruption was endemic in the executive and legislative branches of government. Transparency International (TI) determined that corruption was "all-pervasive." According to a June 2005 TI study, the police ranked highest in the corruption index. There was widespread public perception of corruption in the Government. In June 2005 Transparency International and Centre for Media Studies issued the India Corruption Study and reported that approximately 62 percent of citizens believed they had experienced corruption firsthand by paying bribes or using a contact to get a job done in public office.

Election campaigns for parliament and state legislature seats were often funded with unreported money, and the Government failed to combat the problem. In December 2005 the media highlighted a videotape showing 11 members of parliament accepting bribes. By year's end no one faced legal action related to the bribery.

On August 7, the Justice Pathak Committee indicted former external affairs minister Natwar Singh and his son, Jagat Singh, for their role in influencing and facilitating the procurement of oil contacts in Iraq.

The 2005 Right to Information Act (RTI) mandated stringent penalties for failure to provide information or affecting its flow and required agencies to self-reveal sensitive information. The act's entry into force in October 2005 marked a departure from the culture of secrecy that traditionally surrounded rule making. The appointment of an independent civil servant with close ties to the Congress leadership as RTI Commissioner suggested the UPA government was committed to the full implementation of the law. While the Government took extended periods of time to reply to information requests, local community members began using RTI to get information on their personal documentation and city plans.

In July the Government launched a national antibribery campaign to raise public awareness of the right to information.

Section 4. Governmental Attitude 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. Some domestic NGOs and human rights organizations faced intimidation and harassment by local authorities. In February, 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. Under the ruling, these organizations need government approval before seeking aid from abroad. NGOs called the FCRA flawed and extremely restrictive and claimed that the Government failed to notify organizations when the requisite paperwork was needed. Some human rights groups contended that FCRA was a means of intimidation and substantial political control by the Government over the work of NGOs. NGOs expressed concern that the Home Ministry, which is normally not responsible for financial matters, was tasked with monitoring the finances of NGOs. The act has a clause that states the NGOs must also secure approval from the Government before organizing international conferences, and some NGOs alleged that the Government has denied visas to prevent members from holding conferences paid for with foreign funds.

In May the Maharashtra Home Ministry placed 57 NGOs under investigation for allegedly assisting Maoist groups. The police stated the groups and their leaders would be monitored closely. In 2005 the central government banned 355 NGOs for misuse of funds. Unlike in previous years, ACHR did not allege harassment by local authorities or surprise visits from security forces. However, in November the Executive Director of the SAHRDC, Ravi Nair, reported being harassed by Special Branch Officials. On November 26, Nair was summoned by the intelligence agencies for violating the FCRA, because of his involvement in human rights advocacy. Human rights monitors in Jammu and Kashmir were able to move around the state to document human rights violations, but they were often restrained or harassed by security forces, counterinsurgents, and police.

International human rights organizations were restricted, and foreign human rights monitors historically have had difficulty obtaining visas to visit the country for investigative purpose. In August Delhi police raided Pakistani human rights activist Asma Jahangir's hotel room. Jahangir was in the country on a private visit at the invitation of an NGO. Authorities ordered a high-level inquiry, and Prime Minister Singh personally apologized to Jahangir for the incident. In August Manipur police arrested Umakanta Meitei, spokesperson of Apunba Lup, a coalition of 34 human rights organizations in Manipur, for allegedly informing a Manipur separatist group about security force movements.

The main domestic human rights organization was the government-appointed NHRC, which acted independently of the Government, often voicing strong criticism of government institutions and actions. However, some human rights groups claimed the NHRC was hampered by numerous institutional and legal weaknesses, including statutory regulations and operational inefficiencies. The NHRC did not have the statutory power to investigate allegations and could only request that a state government submit a report. State governments often ignored these requests and rarely carried out NHRC recommendations. 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 was able to investigate cases against the military; however, it could only recommend compensation for victims of abuse, and its recommendations were not binding. Many states had their own human rights commissions, and the NHRC only has jurisdiction if a state commission fails to investigate. 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.

According to Home Ministry statistics, the NHRC received 28,378 cases of human rights violations against police personnel; 100 against armed forces, and 82 against paramilitary forces in 2005.

The Home Ministry examined several amendments to the 1993 Protection of Human Rights Act proposed by the NHRC in its effort to increase its powers to investigate allegations of human rights violations by the armed forces. In the last three years the NHRC investigated 289 such cases, resulting in action against 59 officials and the punishment of 19 offenders. At year's end no additional information was available.

The 1993 Protection of Human Rights Act (PHRA) recommended that each state establish a human rights commission. As of October only 14 of the 28 had state human rights commissions. The Jammu and Kashmir state legislature established a state human rights commission, but it had no authority to investigate alleged human rights violations committed by members of the security forces.

In August the Government amended the PHRA to strengthen the NHRC in response to criticism by independent NGOs and the NHRC. The amended bill removed the requirement of prior notification and approval for visits to state-managed prisons. In August, the Ministry of Home Affairs stated that the NHRC had visited prisons in Chhattisgarh and Karanataka to assess conditions and possible abuses. However, the NHRC and NGOs said that the amendment did not address several concerns and instead contained regressive provisions. For example, 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 need to guarantee the NHRC's financial independence should be included and that the NHRC's mandate should be expanded to include investigation of cases of human rights violations over one year old.

In April 2005 the Jammu and Kashmir human rights commission charged the state government, particularly the deputy commissioners, with diluting its authority and brushing aside its recommendations. In August Jammu and Kashmir Deputy Chief Minister Muzaffar Hussain Beig told the state assembly that in the past four years, 14 disappearance cases and 27 custodial death cases were reported to the Jammu and Kashmir state human rights commission.

Tamil Nadu and Andhra Pradesh had special courts to hear human rights cases. The Uttar Pradesh government continued to defy a court order to reactivate its special human rights court.

The NHRC highlighted human rights abuses throughout the country, and recommended compensation for victims of human rights abuses. In October the NHRC awarded compensation of $1,054,347 (Rs 46.5 billion) to the next of kin of 194 deceased victims of the 1984–94 insurgencies in various Punjab districts.

As a result of the NHRC's continued efforts to include human rights curricula in schools, the Central Board of Education announced in September it would include human rights subjects in grades 11 and 12. Several universities also introduced human rights courses at the behest of the NHRC.

At year's end the CCDP, a Punjab-based human rights organization, had not received an NHRC response to its report documenting 672 disappearance cases from the 1980s to mid 1990s (see section 1.b.).

At year's end the two-member judicial commission created to investigate riot-related violence in Gujarat received an extension to complete its report.

On December 7 and 8 UNHCR High Commissioner Antonio Guterres visited the country. International NGOs such as ICRC had access to most regions, with the exception of the northeast and Naxalite-controlled areas.

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 government authorities worked to enforce these provisions with varying degrees of success. Despite laws designed to prevent discrimination, social and cultural practices as well as other legislation had a profound discriminatory impact, and discrimination against women, persons with disabilities, indigenous per-

sons, homosexuals, and national, racial, and ethnic minorities was a problem. The traditional caste system, as well as ethnic, religious, and language differences, deeply divided the society. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes were frequent in Uttar Pradesh, Bihar, Tamil Nadu, and Karnataka.

Women.—Domestic violence remained a common and serious problem. According to a 2004 National Commission for Women survey, 60 to 80 percent of women were abused in some way by their spouses, 42 percent were beaten physically, and 22 percent were expelled from their homes for at least a day. According to the National Crime Records Bureau, a crime against women is committed every three minutes in the country. According to Majlis, a women's NGO based in Mumbai that provided legal protection and guidance to women in distress, many women were forced to remain in abusive relationships because of social and parental pressure and to protect their children.

According to a survey conducted during the year by the International Institute for Population studies, 56 percent of women believed wife beating was justified in certain circumstances. Ineffective prosecution and societal attitudes made progress against domestic violence difficult. Human rights groups and the press claimed that reported numbers were much lower than the actual totals. According to NCRB statistics, there were reports of 58,121 incidents of cruelty by husbands and relatives against women in 2004. The NCRB reported 155,553 crimes against women in 2005, including 68,810 cases considered domestic violence such as dowry deaths and cruelty by husbands and family.

On October 27, the Protection of Women from Domestic Violence Act of 2006 took effect. Media reported that four cases were booked under the Act in Andhra Pradesh by early November. The new law bans harassment by way of dowry demands and gives sweeping powers to a magistrate to issue protection orders where needed. Punishment ranges from jail terms of up to one year and/or a fine of approximately $450 (Rs 19,800). Domestic violence, under the new law, includes actual abuse or the threat of abuse whether physical, sexual, emotional, or economic. In late October, Tamil Nadu police arrested a man after receiving a complaint from his wife. On November 15, a city court ordered Hiralal Chauhan to pay maintenance to his estranged wife as temporary relief and directed the police to provide protection to the woman, now living with her parents.

Rape and other violent attacks against women continued to be a serious problem. Under the new Domestic Violence bill passed in October, spousal rape is criminalized. According to the NCRB, there was an instance of domestic violence every nine minutes. According to the National Family Health Survey (NFHS) that was conducted during the year, every third woman dealt with spousal violence. The NCRB reported that the number of rapes had increased from 14,809 in 2004 to 15,847 in 2005, while reported molestations had increased from 31,716 to 33,169. According to the NCRB, two rapes took place every hour, one in five victims was a child, and 19 out of 20 of those arrested for rape went unpunished. According to the NCRB, victims knew their rapists in 15,619 cases. As of June 248 cases of rapes were reported and registered in New Delhi, resulting in the arrest of 330 men in New Delhi and the closure of 232 cases.

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. Nonetheless, in April a Mumbai police officer convicted of raping a minor girl was sentenced to 12 years in prison, and a fast track court in Rajasthan sentenced a man to seven years in prison for raping a German tourist in March.

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 officers, the bill also prohibits the arrest of women after sunset and before sunrise except in "exceptional circumstances."

Upper caste gangs at times 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. The number of reported gang rape cases and the extent of prosecution varied from state to state. According to the NCRB, there were 1,172 rape cases against women lodged in 2005.

On January 16, 18 armed insurgents belonging to the United National Liberation Front (UNLF) and Kanglaipak Communist Party (KCP) raped 25 women between the ages of 15 and 27 in Manipur. The National Women's Commission requested the center and state governments to provide comprehensive rehabilitation packages and continued deployment of security forces in the area. The NHRC requested a report from the state government.

On February 10, Assam Rifles soldiers conducting anti-insurgency operations in Tripura reportedly raped three women, including one who was pregnant. Assam Rifles denied the allegation. Police were investigating at year's end.

On March 5, the Manipur Government suspended five policemen who harassed M. Naobi for 10 days while in police custody and transferred all senior officials in the district. M. Naobi allegedly had a romantic affair with a PLA insurgent involved in the killing of four policemen on February 20. The Manipur government ordered a magisterial inquiry.

On May 28, five men from Madhya Pradesh allegedly raped two Christian women, reportedly for refusing to convert to Hinduism. The press reported that the police filed charges against the alleged rapists only after the National Commission for Minorities (NCM) intervened. The alleged rapists retaliated by lodging charges against the women and their husbands for forcibly converting village residents to Christianity. The Prime Minister sent a NCM team to Madhya Pradesh to investigate the alleged gang rape. The NCM noted with concern the countercharges filed against the rape victims; the investigation continued at year's end.

In July a session court sentenced Constable Charakant Pawar to 15 years prison and fined him $1,040 (Rs 46,000) for raping a minor girl in 2005 in Mumbai.

In July a fast track court in Rajasthan sentenced Babloo to a fine of $110 (Rs 4,900) and seven years imprisonment for raping a Japanese woman during the Pushkar fair in April. The court also sentenced Babloo's mother Roshni and brother Raju to three years imprisonment and acquitted two others.

In 2002, in Randhikpur village in Gujarat, a mob mass-raped and killed a woman and 18 members of her extended family. The sole survivor of the massacre was 19-year-old Bilkis Banu, who was raped (and pregnant at the time) and whose two-year-old daughter was killed. Although Banu lodged a complaint with the police and named the rapists and murderers, the Gujarat police closed the case in 2002, claiming "insufficient evidence" and that the mental condition of the witness was "unstable." However, because of the 2004 intervention of the Supreme Court the CBI reinvestigated the case and arrested the alleged culprits. The case was being tried in a Mumbai court (see section 1.e.).

There were no developments in the arrests of suspects after a 2004 rape case in Lucknow involving six tribal women.

There were no developments in the March 2005 case in which a 21-year-old woman was tortured, stripped and paraded through Chandupur village on a donkey.

There were no developments in the September 2005 case in which a woman was allegedly gang raped on the Toofan Express train by seven people, three of whom were Railway Protection Personnel.

On October 19, a court in Muzaffarnagar convicted Imrana Bibi's father-in-law, Ali Mohammed, of raping her in June 2005. The lower court sentenced Mohammed to 10 years in prison and to compensate Imrana with approximately $173 (Rs 7,600). On a separate charge of criminal intimidation, Mohammed was sentenced to three years prison and fined approximately $65 (Rs 2,900). The court's decision followed Imrana's rape in June 2005. After the incident, local community and religious leaders had ruled that Imrana must separate from her husband and move in with her father-in-law.

In July upper caste men in Bihar raped four Dalit women at gunpoint as punishment for not voting for a particular candidate in the Panchayat elections. The police filed the case, but arrested the accused after one month. At the end of the year, the National Commission for Women was investigating the incident.

In September four members of a Dalit family were killed in Kherlanji, Maharashtra. The family's women were paraded naked before they were killed. The crime was allegedly committed by members of Kunki Caste (Other Backward Class) for opposing the requisition of their fields to have a road built on it. Due to initial lapses in the police investigation, five policemen were suspended and fired. In December the CBI filed charges of murder, criminal conspiracy, unlawful assembly with deadly weapons, and outraging the modesty of women against 11 persons. At year's end CBI was investigating charges against 36 persons in detention.

In November two upper caste youth raped a pregnant Dalit woman in front of her three-year-old daughter in Uttar Pradesh. By the end of the year, the case was under investigation.

There were other acts of societal violence and abuses against women. Providing or taking a dowry is illegal under the Dowry Prohibition Act of 1961; however, dowries continued to be offered and accepted, and dowry disputes remained a serious problem. In a typical dispute, the groom's family harassed a new wife for not providing a sufficient dowry. This harassment sometimes ended in the woman's death, which the family often tried to portray as a suicide or accident. In 2005 NCRB reported 6,787 incidents of dowry deaths in the country.

In June a court in Varanasi, Uttar Pradesh, sentenced seven persons, including the husband, father-in-law and mother-in-law of Kiran, to life in prison after they were found guilty of burning her to death for failing to provide dowry in December 2004.

In July a Chennai court sentenced a man to seven years in prison for complicity in his wife's suicide. After Selvaguru married Jayageetha in 2002, he demanded a dowry of approximately $4,444 (Rs 196,000) and a motorbike from her parents. Jayageetha committed suicide in May 2005.

On August 4, Malati Malakar's husband and in-laws poured kerosene on her and burned her to death in Baruipur, West Bengal. Malati's father attempted to lodge a complaint against his son-in-law, but according to AHRC, Malati's husband remained at large and his parents were not charged.

Under the law, courts must presume that the husband or the wife's in-laws are responsible for every unnatural death of a woman in the first seven years of marriage—provided that harassment was proven. In such cases, police procedures required that an officer of the rank of deputy superintendent or above investigate and that a team of two or more doctors perform the postmortem procedures; however, in practice police did not follow these procedures consistently.

Madhya Pradesh, Kerala, Bihar, and several other states had a chief dowry prevention officer (CDPO), although it was unclear how effective they 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.

In May 2005 the Supreme Court ordered the creation of a commission to end dowry. In August 2005 parliament passed the Domestic Violence Bill to deal with dowry-related harassment and murder. The bill provides sweeping powers to magistrates to issue protection orders. In October parliament passed the Protection of Women from Domestic Violence Act which recognizes all forms of abuse against women in the home, including physical, sexual, verbal, emotional, or economic abuse. The law empowers women to file a case against a person with whom she is having a domestic relationship in a "shared household" and who has subjected her to domestic violence. The law recognizes the right of women to reside in a shared household with her spouse or partner even while the dispute continues. Women can be provided with alternative accommodations, to be paid for by the spouse or partner. The law provides women with the right to police help, legal aid, shelter homes and access to medical care.

The Government banned sati, the practice of burning a widow on the funeral pyre of her husband, in the 1800s, and there were few instances of sati in recent years.

In April the NCW requested the Bihar state government to report on a woman who allegedly committed sati in the Gaya district. Press reports noted that after the sati, villagers erected a monument to her act which attracted a large number of visitors.

In August the NCW requested that the Madhya Pradesh state government report on a woman who allegedly committed sati in Sagar district. Family members denied any knowledge, while villagers confirmed that it was sati. Police were investigating the case, but no criminal case had been registered.

On September 20, a 95-year-old woman threw herself on her 100-year-old husband's funeral pyre in Baniyani village in Madhya Pradesh. Police arrested four of the woman's relatives. A magisterial probe was ordered, but there were no developments by the end of the year.

During the year 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; however, the true number may be much higher. In July the Supreme Court condemned honor killings and directed police to take action against anyone harassing couples that married in spite of objections by their caste and religious communities.

In August Delhi police arrested Deep Chand, his son Subhash, Kanti Prasad, and Pramod for the honor killing of Chand's daughter, Kamlesh, because she refused to marry the man her parents had selected. She was repeatedly hit on her face with a stone as an accomplice poured acid over her face. Later, her brother stripped her naked, and the body was left at the railway track in Shaki Nagar. All four assailants confessed during interrogation.

There were no developments in the trial of Jai Singh and his four accomplices for the honor killing of his daughter, Sunita. Singh had been accused of hiring the four to kill his daughter for living separately from her husband.

Dalit women were often singled out for harassment. For example, they were occasionally stripped naked by mobs and paraded in public for offending persons belonging to higher castes.

In August a member of the state legislative assembly in Bihar was arrested and imprisoned for molesting a Dalit woman in February. The woman lodged a complaint with the local court when the police initially refused to take action.

In August seven Dalit women were raped by members of an upper caste in Lakshimpursarai district. The police refused to issue a FIR. The women approached the chief minister of the state, who ordered an inquiry. The NHRC issued notices to the district magistrate and the senior superintendent of police asking them to reply to the victim's complaint.

In September two Dalit women (a mother and daughter) from a single family were allegedly raped and killed along with two young men from the same family in Khairlanji village in eastern Maharashtra, leading to violent Dalit demonstrations throughout the state. The Government of Maharashtra arrested the alleged higher-caste culprits, suspended government officials suspected of a cover-up, and also handed over the investigation to the CBI. At the end of the year the investigation was continuing.

During the year there were 20 witch-hunt 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.

Numerous laws exist to protect women's rights, including the Equal Remuneration Act of 1976, the Immoral Traffic Prevention Act of 1956, the Sati Prevention Act of 1987, and the Dowry Prohibition Act of 1961. However, the Government often was unable to enforce these laws, especially in rural areas where traditions were deeply rooted. According to press reports, the rate of acquittal in dowry death cases was high, and due to court backlogs, they took an average of six to seven years to conclude. On March 5, the Manipur Legislative Assembly passed the Manipur State Commission for Women bill, which provides for the creation of a commission for women with a chairperson, three members, and a member secretary, along with supporting staff, to investigate complaints and issues related to women.

In August 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.

The Government took a number of steps to assist female crime victims, including telephone help lines, short-stay homes, counseling, occupational training, medical aid, and rehabilitation.

While the act of prostitution is not illegal, most activities surrounding prostitution are illegal. The Immoral Trafficking Prevention Act (ITPA) criminalizes the selling, procuring, and exploiting of any person for commercial sex as well as profiting from the prostitution of another individual. Prostitution is not illegal when no third party is involved, it is not done in or near a public place, is not forced, there is no solicitation, or when the prostitute resides alone. Section 8 of the ITPA criminalizes the act of solicitation for prostitution, which has been used in the past to arrest and punish women and girls who were victims of trafficking. According to UNICEF, in 2004 the country contained half of the one million children worldwide who entered the sex trade. Many tribal women were particularly vulnerable and were forced into sexual exploitation (see section 6.c.).

In recent years sex workers began to demand legal rights, licenses, and reemployment training. For example, in June 2004 numerous sex workers in Goa were displaced after authorities demolished their homes. According to the chairperson of the NCW, some of the displaced sex workers refused a government compensation offer, claiming that it had not been accurately described to them.

The country is a significant source, transit point, and destination for many thousands of trafficked women (see section 5).

Sexual harassment was common, with a vast majority of cases unreported to authorities. Hazards faced by women in the workforce included physical and verbal abuse from male supervisors, restricted use of toilets, and the denial of lunch breaks. In June 2004 a joint report released by the NCW and the national press institute found that most women experienced gender discrimination at their workplaces. Attempts by women to report harassment often resulted in further problems or dismissal.

In 2004 the Supreme Court determined that a victim of sexual harassment had a right to compensation based on the findings of an internal departmental report or investigation. In January the Supreme Court expressed concern over the non-implementation of a prior judgment relating to sexual harassment at the workplace and instructed all state Chief Secretaries to inform the high court whether they had set up committees to handle complaints, pursuant to its mandate that all state de-

partments and institutions with over 50 employees must have committees to deal with sexual harassment issues.

The law prohibits discrimination in the workplace; however, enforcement was inadequate. In both rural and urban areas, women were paid less than men for the same job. Women experienced economic discrimination in access to employment and credit, which acted as an impediment to their owning a business. The promotion of women to managerial positions within businesses often was slower than that of males. State government and NGO-supported microcredit programs for women began to have an impact in many rural districts. In March the Government amended the law to provide flexibility for women to work in factories on the night shift. Women's organizations welcomed the move but stressed the need to improve security for such women.

In 2004 the Government amended the divorce laws to expand the venues where a woman could file and obtain a divorce. Earlier provisions in the Hindu and Special Marriage Acts forced women to file cases in cities or towns where they had resided during the marriage or where the marriage took place; however, the amendment permits women to file where they currently reside.

In May 2005, in response to concerns about the improper use of the triple talaq (which literally means "divorce" in Urdu), the All-India Muslim Personal Law Board (AIMPLB) adopted new talaq guidelines, stating that men should use a reversible single talaq followed by a three-month waiting period known as the iddat. The guidelines also call 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 of wives by their husbands, and assurances that remarried women will be able to maintain contact with their families.

On November 26, the All India Shi'a Personal Law Board unanimously approved a model nikahnama (marriage contract) that provided women the same rights as men for divorce.

On November 21, deviating from traditional Hindu law, the Supreme Court granted custody of an 11-year-old child to his mother. In dong so, the court ruled that if a woman remarries after divorce, her custody rights over the child born in wedlock would not be affected.

In 2004 the army allowed female military recruits to be examined by female doctors at their request.

Many tribal land systems, notably in Bihar, denied tribal women the right to own land. Muslim women are subject to the Muslim Personal Law (Shariat) Application Act of 1937. Under this law, the Shariat superceded "custom or usage to the contrary" for all property, except agricultural land, on the basis of personal law for Muslims. 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 constitution provides for free, compulsory education for children between the ages of six 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 (NIEPA) reported that approximately 60 percent of the 203 million children between the ages of six and 14 were in schools, and net attendance in the primary level was 66 percent of enrollment. As per NIEPA 2005–06 District Information System for Education (DISE) data, 168 to 172 million children were in school.

Data for the overall gender parity enrollment indicates the country made impressive gains in reducing the male-female gap in the gross primary enrollment rate in the last 50 years. The gender gap in gross enrollment rate narrowed between 1950 and 2004, as the gross enrollment rate for girls rose from 25 percent to 87 percent, while it rose from 65 percent to 105 percent for boys. In addition, through the National Program for Education of Girls at Elementary Level (NPEGEL) and the Kasturba Gandhi Balika Vidyalaya (KGBV) the Government launched programs to reach out to girls from marginalized social groups where the female rural literacy rate was below the national average and the gender gap in literacy was above the national average.

While boys outnumbered girls, according to the Ministry of Human Resource Development, the enrollment of girls increased by 9 percent at the primary level (from 87 percent in 2002 to 96 percent by 2004). At the middle school level, there was an increase in enrollment from 52 percent in 2002 to approximately 58 percent by 2004. The Government's Mahila Samakhya program complemented these new initiatives.

Government schools were underfunded and understaffed. Schools that received large amounts of money under Sarva Shiksha Abighyan (SSA), a centrally spon-

sored scheme for universal elementary education, were often stymied by state governments that did not have the capacity to use these funds. For example, in August 2005 it was reported by media that a government school in Sara Village, Bihar, had only two teachers for 180 students. The national pupil to teacher ratio at the elementary level was one teacher for every 36 students, with the average for Bihar being the poorest at one teacher for every 65 students. Human rights groups asserted that teachers in government schools often did not show up for work or left their jobs early in the day. Government teachers often were not paid on time or in full, were not given adequate training and worked under very poor conditions. Corruption and misappropriation of educational funds was commonplace. However, government efforts intensified in recent years following the launch of several programs, including the District Primary Education Program in 1992, the Minimum Levels of Learning (MLL) initiative and, more recently, the Sarva Shiksha Abhivan (or the National Program for Universal Elementary Education).

Under SSA, the Government committed to providing financial allocations to the states per the approved district plans prepared after a thorough base line survey identified approximately 194 million out-of-school children between 6–13 years of age. SSA covers all government schools in the country. Under SSA, 40 percent of a total of 34 million as identified beneficiaries in the six to 14 age group remained out of school. The number of out-of-school children has come down from 25 million in 2003 to less than 10 million in 2006.

In July a report entitled "Elementary Education in India" revealed that the schools covered under development fund schemes had increased in 2004, but the utilization of available funds fell to 88.5 percent, primarily in rural areas.

In January a report commissioned by the Human Resource Development Ministry showed that lower caste and Muslim student attendance rates were much lower than those of children of high caste families. The report noted that nationwide 7 percent of children were out of school, although, the attendance rates were much higher or lower in certain locations and among certain caste and religious groups. For example, the report stated that in Delhi, 26 percent of scheduled caste children and 28 percent of Muslims in Bihar were not in school. The report noted also that the dropout rate for girls decreased from 45 percent to 34 percent between 2003 and 2005. The dropout rate for boys also decreased from 37 percent to 30 percent.

The law provides for free medical care to all citizens; however, availability and quality of that care remained problems, particularly in rural areas.

The law prohibits child abuse; however, there were societal patterns of abuse of children, and the Government did not release comprehensive statistics.

Abuse of children in both public and private educational institutions was a problem. Although banned, schoolteachers often used corporal punishment on their students.

There were no further developments in the February 2005 case where a principal of a government school along with three others in northwest Delhi were arrested for raping a 16-year-old student. The Delhi government suspended two of the accused from their posts, but no criminal charges had been filed by year's end.

In August a school teacher in Doda village in Jammu and Kashmir threw acid on several students to punish them. One student suffered 70 percent burns and lost his left eye. The teacher fled, and an inquiry was ordered by the local authorities into the incident.

In December 2005 after money disappeared from school premises, the principal of a primary school in Tamil Nadu forced seven students to prove their innocence by placing their palms over candle flames. The principal was arrested after parents filed complaints.

The Government was responsive to some incidents of violence against children. In September 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 six months. In August the 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.

Children were subjected to abuse during certain religious ceremonies. In April 2005 in the Virudhnagar district of Tamil Nadu, police arrested 80 persons for participating in a ritual during which infants were buried alive to appease a goddess. As a result of the arrest, Tamil Nadu enacted a law to stop this offense, but the practice continued. There was a toll-free telephone helpline for children in distress available in 72 cities. The "Childline" number was available around the clock and could be accessed by either a child or an adult. On receiving a call, immediate assistance, including medical, shelter, restoration, rescue, sponsorship, and counseling,

was provided to the child. This initiative was organized by the Childline India Foundation (CIF), an organization that brought together the Government, UNICEF, NGOs, academic institutions, corporate sector and concerned individuals.

On November 29, in Bulandshahr, Uttar Pradesh, a court sentenced a woman and her three sons to death for sacrificing an eight-year-old child on February 14.

The sexual abuse of children was seldom mentioned due to societal denial and discomfort. The NGO TULIR (The Center for the Prevention and Healing of Child Sexual Abuse) released a study in March that included interviews from over 2,200 children up to age 18 in public and private schools in Chennai. According to the study, 42 percent of these children had experienced sexual abuse.

Unlike in previous years, there were no confirmed reports of child ordination. Child rights activists alleged that various religious sects ordained children as young as eight years old and that children were not competent to make such decisions on their own. The high court ruled that it was acceptable for small children to become monks, as the children had the option to return to their families at any time.

The law 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 March the Supreme Court upheld the legality of marriages of 15- and 16-year-old girls as long as they appear before a judge to state they married of their own free will. On December 19, the Government passed a bill strengthening the 2004 Prevention of Child Marriage Bill and declaring existing child marriages null and void. In addition, the new bill requires guardians of minor boys to pay "maintenance" to minor girls until they can legally marry; it penalizes priests who perform child marriage rituals with fines or jail time, and assigns child marriage prevention officers to rural districts to prevent such marriages. According to the Health Ministry's Country Report on Population and Development, published in 2005, half of all women were married by the age of 15. The 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. In August the International Center for Research on Women (ICRW) reported that 57 percent of girls marry before turning 18. However, according to several media sources, 65 percent of girls were married before the age of 18. According to the 2005 report of Office of the Registrar General of India, 240 girls die every day due to pregnancy-related complications in early child marriages.

According to the 2001 census, nearly 300,000 girls under 15 years had given birth to at least one child. ICRW concluded that those married under the age of 18 were twice as likely to be beaten, slapped, or threatened by their husbands compared with women married later; they were also three times more likely to report instances of marital rape. It reported that child brides often showed signs symptomatic 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.

In May the press reported that at least 30 children in Rajasthan and 50 in Madhya Pradesh were married during the Askhay Tritiya festival and that many more child marriages likely went unreported. Although state governments conducted awareness campaigns during the year, enforcement was weak, and the practice was accepted in certain communities. In April 2005 the NCW launched the Bal Vivah Virodh Abhiyan (Child Marriage Protest Program), a nationwide awareness program against child marriages with particular focus on the states of Bihar, Rajasthan, Chhattisgarh, Madhya Pradesh, Jharkhand, and Uttar Pradesh.

In April 2005 the Government reported that it prevented 200 child marriages in the Rajnandgaon district of Chhattisgarh, a district known for mass child marriages in April and May each year. A local NGO, MV Foundation, claimed to have prevented 2,321 child marriages in the state of Andhra Pradesh since 2000.

Child marriage was the norm among certain scheduled castes and tribal communities in the Krishnagiri district of Tamil Nadu. Brides were typically between the ages of 8 and 12 years of age, while the groom was generally much older. In August, a 75-year-old man married a 17-year-old girl in Purnea district, Bihar.

Trafficking and commercial sexual exploitation of children was a problem (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

Sex determination tests are illegal in the country under the 1994 Pre-Natal Diagnostic Techniques Act (PNDT). However, NGOs reported that some family planning centers continued to reveal the sex of fetuses. Both female infanticide and selective feticide targeting females occurred during the year as the traditional preference for male children continued. The Government did not enforce effectively the law prohibiting termination of a pregnancy for sexual preference. However, in 2001 authorities for the first time arrested a doctor in Haryana was arrested for performing a pre-

natal sex determination test. On March 28, a court sentenced the physician to two years in jail and a fine of $111 (Rs 4,900).

In February the London based Lancet estimated that 10 million female babies may have been aborted in the country in the past 20 years. The figure was contested by some activists working on this issue as exaggerated. The Observer newspaper reported that pregnant British women of Indian origin who were denied gender based abortions in the United Kingdom traveled to the country to abort female fetuses. According to Parivar Seva Sanstha, an NGO working closely with the Ministry of Health and Family Welfare, there were 5.7 million illegal abortions in the country each year. Per NFHS, nearly 50 percent of women did not receive prenatal care. According to the records of the Delhi government, only 700 of the 1,800 registered ultrasound clinics submitted monthly reports mandated under the PNDT. Easy availability and indiscriminate use of technology further abetted the situation.

In August two mass graves of female fetuses were discovered in Patiala, Punjab. The court arrested Pritam Singh and his wife Amarjit Kaur for allegedly performing illegal abortions in Sahib Hospital. They were sent to judicial custody. The Punjab government ordered a crackdown on all private maternity homes, a large number of which were suspected of conducting illegal abortions.

Parents often gave priority in health care and nutrition to male infants. The burden of providing girls with an adequate dowry was one factor that made daughters less desirable. 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 are only 927 girls per 1,000 boys. In 14 districts of Haryana and Punjab there are fewer than 800 girls per 1,000 boys. The problem was also acute among some of the wealthiest and best-educated communities.

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 acknowledged that an education campaign is needed to change the social preference for boy children, and launched a "Save the Girl Child" campaign designed to highlight the achievements of young girls.

Proving that such campaigns can be successful, authorities from the village of Lakhanpal in central Punjab ran a program to end female feticide, and, as a result, more girls were subsequently born there than boys. 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 ITPA toughened penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage victims. Conviction for an offense committed against a child (under age 16) was punishable by imprisonment for seven years to life. In the case of minors (16 to 18 years), the punishment is from seven to 14 years' imprisonment. Other penalties under the act range from minimum terms of imprisonment of one year for brothel keeping, to minimum terms of seven years' to life imprisonment for detaining a person, with or without consent, for prostitution.

Numerous NGOs provided training and conducted informational meetings. According to the NCRB, there were 6,131 human trafficking cases in 2005.

The country was a significant source, transit point, and destination for numerous trafficked persons, primarily for the purposes of prostitution and forced labor. The country was a destination for Nepali and Bangladeshi women and girls trafficked for the purpose of labor and prostitution. Internal trafficking of women and children was widespread. Many girls were internally trafficked for the purpose of forced marriages, while other persons were trafficked for bonded labor. Women and girls are lured into commercial sexual exploitation through both deception and expectations of opportunities in other parts of the country. 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 trafficked into commercial sexual exploitation and abusive domestic employment in the Gulf was also extensive. The country also served as a transit point for Bangladeshi girls and women trafficked for sexual exploitation to Pakistan.

Girls as young as seven 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 (Calcutta), and New Delhi. In West Bengal, the 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 sources points for domestic servants in Kolkata, Delhi, Hyderabad, Mumbai, and to a certain extent to 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 the agents through local transportation to Siliguri; then they 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 connected the region to the central part of the country.

A survey by INTUC, the trade union wing of the Congress Party, noted that the trends in trafficking can be determined by monitoring the reports of "missing girls" filed by parents in the northeast states. The report stated that 40 percent of the police officials interviewed were unaware of the growing trade in women and children. The media reported that nearly every third house in the poorest districts of Jharkhand had a child who left home in search of food and work and may have been a potential victim of trafficking.

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. Pangsa and Dimapur in Nagaland and Moreh in Manipur were the major trans-border transit and demand centers. Women and children from Assam and Bangladesh were trafficked to Moreh and were moved from there to Burma and other Southeast Asian countries. The conflicts in the north-eastern states made women and children highly vulnerable.

Global Organization for Life Development (GOLD), an NGO working in Assam to combat trafficking and HIV/AIDS, said that there was usually an upsurge in trafficking of girls during natural disasters.

There were numerous examples of trafficking and rescues. In March police rescued two Assamese girls forced into commercial sexual exploitation from traffickers at Golokgonj, Dhubri District.

On April 4, Kolkata police rescued five girls between the ages of 13 and 16 with the help of the NGO International Justice Mission (IJM). Kolkata police rescued four girls between the ages of 15 and 17 years with the help of the IJM in May.

In June, 12 girls rescued from various parts of the country were residents of Dhubri district Assam.

On July 24, the All Assam Bodo Students' Union rescued 63 Bodo tribal girls while being smuggled by train in Assam.

On August 1, West Bengal police rescued 12 children between the ages of 12 and 16 years, from Kumarganj in South Dinajpur district from Himachal Pradesh.

On September 12, Maharashtra police in Pune rescued six girls from Bengal. While bringing the girls to Kolkata, the policemen sexually abused them, and only five girls ultimately reached Kolkata. The Maharashtra police claimed that one girl ran away, while an NGO claimed she was thrown from the train. Investigations were underway, and the policemen involved were arrested.

Although arrests and prosecutions under the ITPA increased slightly, the rate of trafficking convictions remained low, and collection of law enforcement data was difficult. Collection was difficult because there is no national system of collecting arrest information under the ITPA, and many police officials preferred to use India Penal Code (IPC) provisions to arrest traffickers because they claimed to have more success in getting convictions. However, since April the Kolkata police and NGOs, such as IJM, obtained convictions in two cases.

Within the country, women from economically depressed areas often moved to cities seeking greater economic opportunities, and once there, were forced by traffickers into prostitution. In many cases, family members sold young girls into prostitution. 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 back home.

According to the Indian Center for Indigenous and Tribal Peoples, more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation. A Haryana-based NGO revealed widespread trafficking of teen-

aged girls and young boys from poverty-stricken Assam to wealthier Haryana and Punjab for sexual slavery under the pretext of entering into arranged marriages or employment. There was also significant trafficking for real arranged marriages due to decades of large-scale and increasing female feticide.

Girls and women were trafficked to the Persian Gulf states to work as domestic workers or for commercial sexual exploitation.

Agents recruited mainly men from the southern states of Kerala and Tamil Nadu for work in the Middle East, where many faced conditions of involuntary servitude. Sources reported that most of the victimized men paid the recruiters $2,000 (Rs 88,200) or more in fees. Once in the Gulf the recruits were forced to work long hours for little pay in conditions different from those described in the original contract to repay their debts.

The NCW reported that organized crime played a significant role in the country's sex trafficking trade and 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. Poverty, illiteracy, and lack of employment opportunities contributed to the trafficking problem as well as police corruption and collusion. However, police in Chennai, Mumbai, Kolkata, Andhra Pradesh, and New Delhi also worked actively with NGOs to target traffickers and safeguard victims after their rescue.

Victims of trafficking 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 re-victimized rather than assisted by such raids. Several NGOs had significant successes, however, in working with police to target brothels with children.

The ITPA required police to use only female police officers to interrogate girls rescued from brothels. The ITPA also required the Government to provide protection and rehabilitation for these rescued girls. The vast majority of arrests made under ITPA were for solicitation rather than trafficking or trafficking-related crimes. During the year this pattern changed in Delhi, Bangalore and Mumbai. Most police no longer arrested trafficked women and children for soliciting, and in Tamil Nadu and Andhra Pradesh, such arrests diminished significantly.

The increase in the number of cases under section five of the ITPA in Tamil Nadu in 2005 is indicative of better enforcement against traffickers in that state. Under section five, a trafficker working only on trafficking for sexual exploitation is still considered a criminal offender. For example, 109 cases were booked against traffickers, brothel owners and pimps in 2005 while 148 women victims were rescued. Police reported that the cases were in various stages of investigation.

In recent years sex rackets flourished under the guise of massage therapy and dance bars. Advertisements appeared in the media about the availability of female masseurs. In late July Chennai police investigated four massage parlors and arrested 16 persons. Some rescued women had been trafficked from Kerala. The arrestees released on bail awaited trial.

In July 2005 the Maharashtra State Assembly adopted a bill banning dance bars. Starting from August 2005, the ban was implemented across Maharashtra. However, on April 12, a Maharashtra state high court ruled the ban unconstitutional and gave the state eight weeks to file its case with the Supreme Court. At year's end the case was underway in the Supreme Court. In recent years, traffickers began favoring these bars as a venue in which to engage in trafficking, instead of the more blatant brothel-based model. However, the Government's implementation of this order without a rehabilitation plan caused displacement of women, forcing many to enter direct prostitution in Mumbai, Delhi, Goa, and other major trafficking destinations.

Implementation improved for the ITPA's provisions for protection and rehabilitation of women and children rescued from the commercial sexual exploitation. The Government significantly increased police training and modestly improved interstate coordination of anti-trafficking 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 people claiming to be parents would remove girls and reinsert them back into the industry.

The Ministry of Women and Child Development (MWCD) improved delivery of support services through greater coordination with its state counterparts and civil society organizations. Government-run shelters in some localities, specifically Mumbai, expanded significantly under the Swadhar (women's home) scheme. In July the Ministry of Women and Child Development implemented plans for rescuing trafficked victims in consultation with NGOs and state governments. The program included two main features: preventive activities through awareness generation programs, such as peer education, rallies, campaign, posters, booklets, and street plays; and the rescue and rehabilitation of victims of trafficking for commercial sexual exploitation, counseling, legal aid, medical care, repatriation and restoration.

The Home Ministry and the Bureau of Police and Research Development (BPRD) began a law enforcement training program, considered a significant achievement by NGOs, to sensitize police and improve trafficking arrests and convictions.

In November 2005 the Home Ministry organized a significant conference with the United Nations Office of Drugs and Crime (UNODC) to raise awareness of human trafficking and to state, for the first time, their commitment to addressing this issue with resources and manpower. In September the Ministry of Home Affairs established a nodal cell responsible for collecting and analyzing the data related to trafficking from the state governments and union territory administrations; identifying problem areas and analyzing causes for their being source, transit, and destination areas; monitoring action taken to combat the crime; and organizing co-ordination meetings with the Nodal police officers of states and union territories.

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.

The PDA requires that 3 percent of public sector jobs be reserved for people with physical, hearing, and visual disabilities. It also provides a list of jobs for people with these disabilities. In 2004 there were 1,075 jobs for persons with disabilities in the private sector and 1,900 in the public sector. More than 40,000 persons with disabilities held government jobs. The PDA provides benefits to private companies at which people with disabilities constitute more than 5 percent of the workforce. The Government only recently began implementing these benefits, and private sector employment of people with disabilities remained low.

The Tamil Nadu government introduced a 3 percent reservation for persons with disabilities in education and employment, and government buildings made arrangements for wheelchair access. However, human rights activists complained that available facilities were not sufficient. Despite the three percent mandated reservation for disabled in government jobs, a report released by the National Center for Promotion of Employment for Disabled People (NCPEDP) revealed that disabled persons held less than 1 percent of government jobs. The report also documented that the Government spent less than 90 percent of the funds allocated for disabled programs in the 2005–06 budget.

Mental health care was a problem. Hospitals were overcrowded and served primarily as dumping grounds for persons with disabilities. Patients generally were ill-fed, denied adequate medical attention, and kept in poorly ventilated halls with inadequate sanitary conditions. In July 2005 the NHRC determined that insufficient attention was paid to issues of mental illness, and called for better enforcement of national laws. At year's end, no action was taken on the 2001 NHRC recommendation to remove all persons with mental illness from jails. In March 2005 the NHRC issued guidelines to jails lodging mentally challenged persons, stipulating the need for open lawns, daily physical and mental activities, and strict rules limiting the use of force to self-defense and attempted escape.

The Human Resource Development Ministry reported in January 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 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. Moreover, the impact of government programs was limited. Significant funding was provided to a few government organizations, such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India. With the adoption of the PDA, a nascent disabled rights movement slowly raised public awareness of the rights of persons with disabilities.

The National Commission for Persons with Disabilities (NCPD) had the responsibility to recommend to the Government specific programs to eliminate inequalities in status, facilities, and opportunities for disabled persons, to review the status and condition of institutions delivering services, and to submit annual reports with recommendations. In February 2005 the Government constituted a new NCPD headed by a former governor, Sunder Singh Bhandari. In April 2005 the Rajasthan High Court directed the state government to promote the establishment of special schools for disabled children in both the public and private sectors; however, few teachers were trained to meet the special needs of disabled children. Also, the National Center for the Promotion of Employment for Disabled People stated in September 2005 that there was a shortage of educational institutions for the disabled and that the admissions process was marked by harassment.

In February 2005 the country's civil services introduced an annual quota for the employment of 20 persons with disabilities. In 2005 the Indian Civil Service attempted to recruit and place 12 disabled persons (3 percent). In July 12 qualified candidates were identified, but as of October, only nine of the 12 applicants were placed in the Civil Service.

In June 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.

In July 2005 disabled rights NGOs reported that persons with disabilities were not able to obtain duty free imports of artificial limbs, crutches, wheelchairs, walking frames, and other medical needs. During the year the Government reduced the fees for duties on imports of devices used by disabled persons. NGOs also claimed that no effort was made to make railway compartments and platforms accessible to the disabled.

In August 2005 the Government began the first disabled-friendly train service between Bhopal and Nizamuddin (Delhi) station. The train had an exclusive coach for persons with disabilities and Braille tags for seat and berth numbers in all coaches.

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 the students had disabilities. The Times Insight Group reported in September 2005 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, and according to a 2005 NCDEP survey, only 1,574 students with disabilities were enrolled in the 119 universities that responded. The reasons for such low enrollment numbers included inaccessible infrastructure, poor availability of resource materials, nonimplementation of the 3 percent reservation, and attitudinal barriers.

Sarva Shiksha Abhyan (Education for All), another government initiative that focused on educating children with disabilities in integrated settings, identified approximately 1.6 million children with disabilities in 2004. According to the Ministry of Social Justice and Empowerment Country Report, 755,408 children with disabilities enrolled in schools, suggesting an enrollment rate of approximately 46 percent. The percentage of children with disabilities between the ages of five and 18 enrolled in schools was higher in rural areas (47 percent) than in urban areas (44 percent). 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 non-formal education.

In June the Goa government made it mandatory for all public buildings, transport systems, hospitals and tourist areas to provide easy access to persons with disabilities. Goa was the first state in the country to formulate a policy for the disabled.

In July the Ministry of Social Justice and Empowerment released the Braille version of the Right to Information Act to persons with visual impairment.

In August the Delhi High Court directed the Delhi Development Authority to accord preferential treatment and consider relaxing norms for applicants with disabilities and impairments while allotting plots and houses.

National/Racial/Ethnic Minorities.—The 1955 Civil Rights Act made the practice of untouchability, which discriminated against Dalits and others defined as scheduled castes, a punishable offense; however, such discrimination remained ubiquitous, stratifying almost every segment of society. Many members of lower castes were relegated to the most menial of jobs and had little social mobility. The widespread belief that Dalits and low caste Hindus, Muslims, Christians, and Sikhs were inferior compounded the discrimination they faced. Human rights groups asserted that the Government was not committed to ending caste-based discrimination, pointing at its failure to fill over 50,000 vacant positions specifically reserved for Dalits.

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. The impact of reservations and quotas on society and on the groups they were designed to benefit was a subject of active debate. 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 June 2005 the Andhra Pradesh cabinet approved a 5 percent reservation for Muslims as a disadvantaged minority, in government jobs and educational institutions, raising total reservations in the state to 51 percent of the state government workforce.

In December 2005 parliament passed a constitutional amendment providing reservations to scheduled castes, tribes, and the other backward classes in non-minority, unaided, private educational institutions.

On December 22, parliament passed a bill to make 27 percent reservation mandatory for scheduled castes and backward classes in all educational institutions.

Many rural Dalits worked as agricultural laborers for caste landowners without remuneration. The majority of bonded laborers were Dalits (see section 6.c.). Dalits, among the poorest of citizens, generally did not own land and often were illiterate. They faced significant discrimination despite laws to protect them and often were socially prohibited from using the same wells, attending the same temples, and marrying upper-caste Hindus. In addition, they faced social segregation in housing, land ownership, and public transport. 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 Dalits were malnourished, lacked access to health care, worked in poor conditions (see section 6.e.), and continued to face social ostracism.

Despite a high court order and judicial directives first issued in 1998, Dalits continued to be excluded from the Kandadevi car festival, a Hindu temple celebration in Tamil Nadu. During the year, the Tamil Nadu government permitted only 26 Dalit families to take part in the festival. 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 April 10, the Supreme Court requested from the central government, all state governments, the NHRC, and the National Commission for Scheduled Casts and Scheduled Tribes information on the creation of offices and appointment of officials to monitor atrocities against Dalits. The request responded to an NGO petition seeking the formation of monitoring cells under the Scheduled Castes and Tribes (Prevention of Atrocities) Act of 1989. The NGO stated that the conviction rate under the act was 1 percent, and a dedicated office was needed to ensure that crimes against Dalits and tribals received adequate attention and speedy justice.

In July the Supreme Court passed a judgment stating that the police and government are obliged to help inter-caste couples and prevent social ostracism. In September, the Ministry of Social Justice and Empowerment directed state governments to increase the incentive for inter-caste marriage by central government to $1,050 (Rs 46,000). The central government pays 50 percent.

According to an article in the Hindu, in October, upper caste Hindus "punished" 80 Dalit families from Karnataka's Bijapur district with a social and economic boycott for attempting to drink water from the village well. Local landlords removed them from their work as agricultural laborers and barred them from ration shops and flourmills. Upper-caste Hindus then used the well to bathe their cattle, wash clothes, and defecate. The article reported that some of the highest reports of crime against Dalits in the last five years occurred in Bangalore, Gulbarga, and Bellary

districts. In these districts, killings varied from 25 cases in 2002 to 40 in 2005, to 27 during the year. The article reported that 56 Dalit women were raped in 2005 and 39 during the year.

On January 3, in the Vaishali district of Bihar, a higher-caste mob burned alive a man, woman, and five of their children after the woman's husband, a Dalit, refused to withdraw a legal case over the theft of a buffalo against a member of the higher caste. The husband suffered severe burns over 90 percent of his body and was admitted to a local hospital. The suspected mob ringleader was arrested and later released on bail. Bihar Chief Minister Nitish Kumar ordered an inquiry into the attack and suspended the local police station chief.

In February a mob beat to death a man and severely injured his wife in Patna, Bihar, because they had married within their Hindu Gotra (clan), which some believed to be incestuous. Led by the father of the woman, the mob stoned and beat the couple to death in front of hundreds of spectators. Her father, Umesh Mishra, admitted to murder and was arrested for leading the mob. Police issued warrants for the others accused in the case.

In December 2005 a woman who had married a man from a lower caste was attacked by her brother. The woman's brother stabbed her numerous times after she refused to follow a local council decision to annul the marriage. The woman survived the assault, but the brother beheaded her two days later as she recuperated in the hospital. At year's end police arrested the brother and an investigation was ongoing.

By the end of the year, there were no developments in the December 2005 case in which upper-caste Hindus and a priest beat four Dalit women for entering a temple forbidden to them Keraragard, Orissa. The district collector ordered a probe into the incident. On December 14, a group of Dalits entered the temple following a high court order.

Many Christians were converts from low caste or Dalit backgrounds, and continued to suffer the same social and economic limitations as Hindu Dalits, particularly in rural areas.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and prescribes stiff penalties for offenders; however, this act had only a modest effect in curbing abuse and there were very few convictions. According to a November article in the Hindu, between 2002 and the year's end, the cases reported under POA in the state of Karnataka alone increased significantly. The number of cases of atrocities reported in 2002 was 1,232 and 1,306 in 2005. During the year 1,056 cases had been reported through October. Of the approximately 1,200 to 1,300 cases reported each year in Karnataka over the last five years, there were 24 convictions in 2002 and five in 2005. Human rights NGOs alleged that caste violence was on the increase, and claimed hundreds of lives. Caste violence was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh.

In February a mob of upper caste youth attacked a group of 30 Dalits for attempting to hold a religious procession through an upper caste neighborhood the previous day. The village headman's call for retribution, broadcast over a loudspeaker at the local temple, resulted in a mob attacking the Dalits with hatchets and sickles. The press reported that the police later arrested 15 Dalits on an assortment of charges, including attempted murder, and initially refused to file charges against the village leader. Instead, the police allegedly asked the community to form a peace committee to reach a settlement. After pressure from political groups, the police arrested the village headman and eight others, all of whom were released on bail.

In June high-caste Hindus stoned a Dalit wedding procession in the Udaipur district of Rajasthan because they objected to the groom riding a horse. The press reported that the Dalits hoped that the groom riding a horse would be a step towards social equality, but upper caste Hindus, believing that Dalits were not allowed on horseback, attacked them. When the Dalits complained about the attack, the upper-caste Hindus refused to sell them basic foodstuffs and had the water supply to their part of the village turned off, forcing them to travel to a nearby town to buy provisions.

Discrimination against Dalits covered the entire spectrum of social, economic, and political activities, from withholding of rights to killings and was not solely practiced by high-caste Hindus. The stratification within the Dalit community also resulted in discrimination by higher-level Dalits against lower-level Dalits. There was also discrimination within the Christian and Muslim community by older, established ancestral Christians and Muslims against more recent Dalit converts.

In November the Sachar Committee headed by Justice Rajinder Sachar released its report, "Social, Economic and Educational Status of Muslim Community in India," prepared at the request of the Prime Minister. The report provided statistics

on the Muslim community after interactions at various levels through the country with the Muslim community. Results showed that the country's Muslims fell behind in many categories, including education, employment, access to credit, and had higher poverty levels and made up a greater proportion of the prison population.

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 (see section 5, Trafficking, and section 6.c.). The 1955 Protection of Civil Rights Act prescribed special courts to hear complaints of atrocities committed against tribal people. In February 2004 the Supreme Court decided that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 still applied to crime victims from scheduled tribes and castes, even if they had converted from Hinduism to another religion. The decision was in response to an appeal of a Kerala high court decision, which held that because a rape victim had converted to Christianity she was no longer covered by the act.

Despite constitutional safeguards, the rights of indigenous groups in eastern parts of the country often were ignored. The NCRB reported 5,713 crimes against Scheduled Tribes in 2005. Indigenous peoples suffered discrimination and harassment, were deprived of their land, and subjected to torture and to arbitrary arrest.

By the end of the year, no action had taken place in the December 2005 case where four tribals who had worked for three months in the Kalahandi District of Orissa were severely beaten and locked in a shed while 15 others were forced to stand naked for hours when they asked for their wages.

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. In July 2004 forest department staff ignored a Supreme Court order and forcefully evacuated a tribal village in the Betul district of Madhya Pradesh. Persons from other backgrounds often usurped places reserved for members of tribes and lower castes in national educational institutions. Mob lynching, arson, and police atrocities against tribal persons occurred in many states (see section 1.c.).

Numerous tribal movements demanded the protection of tribal land and property rights. The Jharkhand movement in Bihar and the Bodo movement in Assam reflected deep economic and social grievances among indigenous peoples. 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.

There were also instances of violent tribal/nontribal conflict. For example, on January 1, 12 tribals and one police officer were killed after clashing during a protest against the building of a steel plant on tribal land in Jaipur, Orissa. Eight other tribals were injured. The tribals, reportedly upset with the land compensation package, attacked police with bows and arrows after authorities attempted to disburse the mob with tear gas. Police fired into the rioters after a police officer was killed. The Government compensated each victim's next of kin with $2,200 (Rs 97,000).

In March approximately 200 villagers tried, sentenced to death, and publicly beheaded a family of tribals for practicing "black magic" in the Sonitpur district of Assam. The villagers accused the father, a traditional healer, of causing an unspecified disease that killed two villagers and made others sick. After executing him and his four children, the mob marched to the local police station with the heads and chanted slogans denouncing witchcraft. Police arrested six of the villagers. According to press reports, police records indicate approximately 200 Assamese were killed in the last five years for practicing witchcraft.

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 have been evicted since 1972, when the Government declared forests in the district part of the National Park. The organizations alleged that individuals removed from the park area were settled in locations that lack fresh drinking water, electricity, health care, adequate job opportunities and access to forests. A civil rights organization, Budakattu Krishikara Sangha, approached the

state High Court in 2003 seeking an order to direct the state government to provide basic facilities to effected tribals in those areas. During the year the court committee found that only 250 of the 1,738 families had been relocated.

Other Societal Abuses and Discrimination.—Section 377 of the Penal Code 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. In November 2005 the Government declined to change provisions of Section 377 outlawing homosexuality. In a response to a Supreme Court case, the Government stated, "public opinion and the current societal context in India does not favor the deletion of the said offense from the statute book." Gays and lesbians faced discrimination in all areas of society, including family, work, and education. Activists reported that in most cases, homosexuals who do 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 Section 377 to coerce victims into not reporting the incidents. Section 377 allowed police to arrest gays and lesbians virtually at will. However, in July 2005 in Jharkand, two lesbians belonging to the scheduled tribes announced that they were "married" in defiance of both law and tradition, although same sex marriages are not recognized in the country.

In September 2004 the Delhi High Court dismissed a legal challenge to Section 377. Plaintiffs filed the case in 2001 after police arrested four gay and lesbian rights workers at the NAZ Foundation International and National Aids Control Office premises in Lucknow, Uttar Pradesh. Police charged the workers with conspiracy to commit "unnatural sexual acts" and possession of "obscene material," which was reportedly safe-sex educational materials. The workers were detained in unsanitary conditions for 47 days and denied bail twice. The court dismissed the case, ruling that the validity of the law could not be challenged by anyone "not affected by it," as the defendants had not been charged with a sex act prohibited by law. In April 2005 despite the September 2004 challenge of Section 377 by two gay and lesbian NGOs, the NAZ Foundation International, and the National Aids Control Office, the Government submitted a petition to the Supreme Court reaffirming the validity of Section 377. In February the Supreme Court ruled that the Delhi High Court should not have dismissed the case because the NGO was not a directly affected party to the case. The Supreme Court referred it to the Delhi High Court, which has not reexamined the case.

In July the National AIDS Control Organization (NACO) filed an affidavit in the Delhi High Court supporting the demand to scrap Section 377 of IPC that declares homosexuality an offense. This affidavit supports the petition filed by the NAZ Foundation. The affidavit was filed after NACO conducted a survey that reported 8 percent of the estimated 2.5 million homosexual population of the country was affected with HIV/AIDS as compared to 1 percent of the general population affected by the disease. A high-profile campaign to overturn Section 377, led by writers Vikram Seth and Amartya Sen, continued at year's end.

Homosexuals were detained in clinics against their will and subjected to treatment aimed at "curing" them of their homosexuality. The NAZ Foundation filed a petition with the NHRC regarding a case in which a man was subjected to shock therapy. The NHRC declined to take the case, as gay and lesbian rights were not under its purview.

In January Lucknow, police allegedly carried out a "sting" operation targeting gay men, which drew widespread condemnation from human rights NGOs. The press reported that police officers posed as gay men on the Internet and, entrapped one man. The officers then forced him to call other gay men, who were also arrested. The National Campaign for Sexual Rights (NCSR) stated that the arrests were illegal and the evidence against the men was fabricated. NCSR argued that the police violated the men's right to privacy and that there was no evidence that they were guilty under Section 377.

In January a man in Mumbai registered a complaint against two constables of the Azad Maidan police station for using "decoys" in a public toilet at a train station to entrap and extort money from gay men. The Azad Maidan police apprehended the two constables and handed them over to the railway police. At year's end, there were no further developments in this case.

Authorities estimated that HIV/AIDS had infected approximately 5.1 million persons, and there was significant societal discrimination against persons with the disease. According to the ILO, 70 percent of persons suffering from HIV/AIDS faced discrimination.

In July doctors at Meerut Medical College, Uttar Pradesh tied a 15-year-old HIV positive boy to his bed to prevent him from falling or pulling his IV cord. The boy

was in the same ward as patients suffering from tuberculosis and fevers—all of which could be passed to the boy. By the end of the year, the boy was paralyzed and could not speak because a lesion in his brain paralyzed the right side of his body.

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 September a school for HIV-positive children opened in Karunapuram. HIV-positive children, denied admissions elsewhere, could study in this residential school, in addition to being given medical help and free anti-retro viral medicines.

In January 2004 a Mumbai High Court ruled that HIV-positive persons could not be fired on the basis of their medical status. However, the army removed from service approximately 200 soldiers with AIDS between 2003 and 2005, stating they were unfit for military duty. NACO stated it opposed the practice of discharging soldiers solely because they had AIDS. The army stated that, while the patients received medical care, it could not keep infected soldiers in the service.

The National Council for Applied Economic Research, NACO, and the United Nations Development Program conducted a survey of 2,068 HIV-positive households, 6,224 HIV-negative households, and 2,386 people living with HIV/AIDS patients in July. The survey revealed that 29 percent 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. Additionally, 42 percent felt neglected and isolated, and nearly 29 percent reported being verbally abused by their colleagues.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association, and the Government generally respected this right in practice. Workers may establish and join unions of their own choosing without prior authorization. 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 non-industrial laborers. While some trade unions represented agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members were part of the 30-million-member formal sector. Of these 13 to 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.

Police arrested over 300 members of the Center for Indian Trade Unions (CITU) on March 21 when they demonstrated in front of the Madras Export Processing Zone demanding settlement of wages to workers who lost jobs following the closure of some units. The members of the Garment and Textile Workers Union formed a human chain in Bangalore in early May. Their demands included limiting the work day, a minimum wage, and a harassment-free work environment.

b. The Right To Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference and the Government protected this right. Although a system of specialized labor courts adjudicates labor disputes, there were long delays and a backlog of unresolved cases. When parties cannot agree on equitable wages, the Government may establish boards of union, management, and government representatives to make a determination. The legislation distinguishes between civil servants and other workers. Public service employees have very limited organizing and collective bargaining rights.

Trade unions often exercised the right to strike, but public sector unions were required to give at least 14 days' notice prior to striking. Some states had laws requiring workers in certain nonpublic sector industries to give notice of a planned strike.

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, essential services have never been defined in law. Legal mechanisms exist for challenging the assertion that a given dispute falls with-

in the scope of this act. Thus 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, drawing attention to the difference between a complete closedown of all activities and a general strike. While it is likely that the ruling was introduced to discourage political strikes, unions stated that it remained a potential threat to their activities. Other court rulings also declared strikes illegal and made striking workers pay damages because consumers and the public suffered during strikes. In August 2004 the Supreme Court declared all strikes by government employees to be illegal; however, in practice this was not enforced.

There are seven export processing zones (EPZs). 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 three 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 to 65 million bonded laborers in the country, including a large number of children (see section 6.d.). According to the Institute for Socio-Economic Development (ISED) research on bonded labor in Bihar and Uttar Pradesh, the bondage of agricultural laborers was still the main form of bondage in these two states. According to NGOs, the nonagricultural sectors that had a high incidence of bonded labor were: stone quarries, brick kilns, fishing, forestry, beedi-making (hand-rolled cigarettes), carpet weaving, pottery, and carrying head-loads. According to an ILO report published in 2005, an overwhelming majority of bonded laborers belonged to the scheduled castes and scheduled tribes.

In May 78 children were rescued from embroidery units at Sarai Kale Khan in South Delhi by Bandhu Mukti Morch (BMM), an NGO based in Delhi headed by Swami Agnivesh. According to media reports, all of the children, between the ages of four and eight years, worked 14 to 16 hours each day under inhuman conditions. BMM rescued the children under the Bonded Labor System (Abolition) Act, 1976. The police detained one person. On May 29, the Indian Express reported the owners of the factories and shops, where the children, most of whom were from Bihar were working, were arrested and being prosecuted.

Government officials worked to release other bonded laborers in many states. In West Bengal, organized traffic by illegal Bangladeshi immigrants was a source of bonded labor (see section 5). According to the Ministry of Labor and Employment, the Government identified and rehabilitated 370 bonded laborers between April 2005 and February. In November 2005 authorities rescued 21 bonded laborers from Tamil Nadu, who had been working in a Bangalore stone quarry since 2002. Tamil Nadu Police worked with Bangalore police and NGOs to rescue the bonded laborers. The district collector where the children/victims were brought provided interim arrangement of food and shelter for the victims.

According to UNICEF, Andhra Pradesh reportedly employed 200,000 children in its hybrid seed industry. Most were girls between the ages of seven and 14. Many were migrants 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.

Female bondage, forced prostitution, and trafficking in women and children for the purpose of prostitution were widespread (see section 5). Devadasis, defined as prepubescent girls given to a Hindu deity or temple as "servants of gods", were

taken from their families and required to provide sexual services to priests and high caste Hindus. Many eventually were sold to urban brothels (see section 5).

d. Prohibition of Child Labor Practices and Minimum Age for Employment.—The Government prohibits forced and bonded child labor; however, this prohibition was not effectively enforced, and forced child labor was a problem. The law prohibits the exploitation of children in the workplace; however, NHRC officials admitted that implementation of existing child labor laws was inadequate, that administrators were not vigilant, and that children were particularly vulnerable to exploitation. The NHRC focused on the adequacy of existing legislation. There were few prosecutions and convictions under the 1986 Child Labor Act because of poor implementation due to administrative lapses and voids due to the definition of child labor. A child assisting his/her family is exempt from the provisions of the act, and employers in the cottage industries often exploited this void 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 six hours between 8 a.m. and 7 p.m., with one day's rest weekly. In addition to industries that utilized forced or indentured child labor (see section 6.c.), there was evidence that child labor was used in the following industries: hand-knotted carpets, gemstone polishing, leather goods, sari weaving, beadwork, and sporting goods. The Government assisted working children through the National Child Labor Project, established in more than 3,700 schools. Government efforts to eliminate child labor affected only a small fraction of children in the workplace. The law stipulates a penalty for employers of children in hazardous industries of $430 (Rs 19,000) 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 (Rs 4,805) 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.

Estimates of the number of child laborers varied widely. The 2001 census recorded 12.66 million working children between the ages of five and 14, with 90 percent of the child workers from rural areas. NGOs claimed there were up to 115 million working children. The proportion of working children to the child population between the ages of five and 14, declined from 5.4 percent to 5 percent between 1991 and 2001. The Government's national sample survey from 2004 estimated the number of working children in the age group of 5 to 14 at 16.4 million. The ILO estimated the number of child workers at 44 million. However, NGOs reported that the number of child laborers was closer to 55 million. 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. In April UNICEF reported that an estimated 14 percent of children between the ages of five and 14 were engaged in labor. According to the 2001 census figures, released in August 2005, out of 226 million children aged 5–14, 65.3 million (29 percent) had not attended any educational institutes. The census documented that children worked in the informal sector, often in private homes, with the highest rate (15 percent) in Uttar Pradesh. Unofficial sources claimed that between 25 and 30 million children worked, mainly in the domestic and agricultural sectors.

Through the Child Labor (Prohibition & Regulation) Act, 1986, the Government convicted 325 employers in 2002–03; 3,910 in 2003–04; and 1,162 in 2004–05.

A ruling, effective October 10, 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 the Delhi High Court ordered the central and state governments to develop a plan to eradicate child labor in the capital area.

In Maharashtra, raids on sweatshops to free child laborers continued. According to the Maharashtra Task Force to eliminate child labor from Mumbai, from May 2005 to October, 36 slum habitations were made child labor free. Spurred by government raids, many employers voluntarily repatriated several thousand child laborers from zari factories (embroidering or sewing beads and colored threads to fabric), leather workshops, and restaurants.

In June the Government of Bihar announced a ban on employment of children below the age of 14 in shops and other establishments by amending the Bihar Shops and Establishments Act. The Bihar government prosecuted 1,493 employers of child labor and rehabilitated 438 bonded laborers through central government sponsored schemes since 2001.

In August the Government of Punjab announced a complete ban on child labor to take effect on October 10. An action plan and directions were sent to all district offices and departments in the state to ensure strict compliance.

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 towards integrating rescued children into the mainstream. On January 6, labor inspectors in Mysore 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.

The Tamil Nadu Labor Department stated the number of child laborers in that state declined from 69,000 in 2003 to an estimated 25,589 in 2005. NGOs said that the Government's figures excluded children employed for domestic help, in restaurants, and at roadside eateries.

According to the Andhra Pradesh Department of School Education, there were 423,714 child laborers in 2005. This number included children between the ages of five and 14 not enrolled in schools.

In July the NHRC reported increased employment of children in home establishments in both hazardous and non-hazardous occupations in the state of Uttar Pradesh. NHRC Special Rapporteur Chaman Lal stated that employment of children in brick kilns, stone quarries, and carpet-weaving industries was on the rise. The NHRC expressed displeasure over the failure of the Government to punish offenders.

The working conditions of domestic servants and children often amounted to bonded labor. Children were often sent away to work because their parents could not afford to feed them or to pay off a debt incurred by a parent or relative. Human rights organizations estimated that there were as many as 300,000 children working in the carpet industry, many under conditions that amounted to bonded labor. Officials claimed that they were unable to stop this practice because the children were working with their parents' consent. In addition, there was a reasonable basis to believe that products were produced using forced or indentured child labor in the following industries: brassware; hand-knotted wool carpets; explosive fireworks; footwear; hand-blown glass bangles; hand-made locks; hand-dipped matches; hand-broken quarried stones; hand-spun silk thread and hand-loomed silk cloth; hand-made bricks; and beedis (hand-rolled cigarettes). A number of these industries exposed children to particularly hazardous work conditions.

According to representatives of Vikasa, a community-based organization in the Magadi silk spinning industry, the number of child workers dropped from 3,000 in 2003 to 1,750 in January 2005. They attributed the drop to competition from silk yarn imported from China and concerted action by the state government against employers of child labor.

In May seven child laborers were killed at a brick kiln in Rauna village of Chandauli district of Utter Pradesh when a wall of soil collapsed, burying them alive. Police attempted to arrest the owner of the kiln, who remained at large.

At the end of the year, there were no developments in the February 2005 case in West Bengal of a police sub-inspector allegedly torturing an eight-year-old girl he employed after accusing her of stealing cookies. The sub-inspector was not charged.

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.

Media began to take a role in raising awareness about child labor. A New Delhi Television broadcast in June 2005 reported the extensive prevalence of bonded child labor in illegal iron ore mines located in the northern districts of Karnataka. Child workers interviewed by the news channel alleged they were made to break stones for 10 hours per day to pay off debts contracted by their parents. The Karnataka government had promised action following the report; however, civil rights groups alleged little changed since the report was broadcast.

The continuing prevalence of child labor was attributed to social acceptance of the practice, ineffective state and federal government enforcement of existing laws, and economic hardships faced by families.

Employers in some industries took steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi- governmental organization that received funding from the Ministry of Textiles, has a membership of 2,500 exporters who subscribed to a code of conduct barring them from purchasing hand-knotted carpets knowingly produced with child labor. The CEPC conducted inspections to insure compliance and allowed members to voluntarily 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. A private-sector research and consulting firm conducted inspections, covering only 10 percent of registered looms, and had difficulty locating unregistered looms. The Government also cooperated with UNICEF, UNESCO, UNDP, and the ILO in its efforts to eliminate child labor.

The Government participated in the ILO's International Program on the Elimination of Child Labor (IPEC). Approximately 145,000 children were removed from work and provided with education and stipends since IPEC programs began in 1992. The NHRC, continuing its own child labor agenda, organized NGO programs to provide special schooling, rehabilitation, and family income supplements for children in the glass industry in Firozabad. The NHRC also intervened in individual cases. Press reports said that a Madurai NGO rescued 33 children who had been sold into slave labor during in 2005.

e. Acceptable Conditions of Work.—State government laws set minimum wages, hours of work, and safety and health standards. The Factories Act mandates an eight-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 four hours of work and premium pay for overtime as mandated by law. These standards were generally enforced and accepted in the modern industrial sector; however, they were not observed in less economically stable industries. Some industries, such as the apparel and footwear, did not adhere to prescribed minimum wage.

Minimum wages varied according to the state and to the sector of industry. Such wages provided only a minimal standard of living for a worker and 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, did not adhere to prescribed minimum wage.

State governments were responsible for enforcement of the Factories Act. However, the large number of industries covered by a small number of factory inspectors, and the inspectors' limited training and susceptibility to bribery, resulted in lax enforcement.

The enforcement of safety and health standards also was poor. Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries had the highest incidence of accidents. According to the director general of mines' safety rules, mining companies must seal the entrances to abandoned underground mines, and opencast mines must be bulldozed and reforested to stop people from entering them in efforts to pilfer or scrape coal and other minerals. However, these rules seldom were obeyed.

Workers in the textile industry suffered from acutely unhealthy working and living conditions in Tirupur, Tamil Nadu. Industrial premises lacked toilets and medical facilities. The town suffered from problems of drainage and industrial pollution such as disposal of effluents and sludge from dyeing units.

Safety conditions were better in the EPZs than in the manufacturing sector outside by 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. Legal foreign workers were protected under the law; however, illegal foreign workers had no protection. 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 million, has a multiparty parliamentary system dominated by President Nazarbayev's Otan Party. President Nazarbayev was re elected for a third 7-year term in December 2005; observers criticized that election as falling short of a number of international standards. 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 President exercised control over the military and the security forces, although members of the security forces committed human rights abuses in a few instances.

The following human rights problems were reported: severe limits on citizens' rights to change their government; an incident of unlawful deprivation of life; military hazing that led to deaths; detainee and prisoner abuse; unhealthy prison conditions; arbitrary arrest and detention, particularly of government opponents; lack of an independent judiciary; increased restrictions on freedom of speech, the press, assembly, and association; pervasive corruption, especially in law enforcement and the judicial system; restrictions on the activities of nongovernmental organizations (NGOs); discrimination and violence against women; trafficking in persons; and societal discrimination.

During the year the Government advanced its efforts to combat trafficking in persons by enacting a comprehensive set of legislative amendments to strengthen its ability to investigate, prosecute, and convict traffickers, and to increase the amount of resources devoted to victim protection and prevention. The Government also repealed a law banning election-related demonstrations from the period following the end of the voting until the results are published.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—On February 13, opposition leader Altynbek Sarsenbaiuly was found shot to death in a remote area outside of Almaty, along with his bodyguard Baurzhan Baibosyn and driver Vasiliy Zhuravliov. Following an official investigation, 10 suspects were charged with the kidnappings and murders, including five officers of an elite squad of the Committee for National Security (KNB). At the Government's request, a foreign law enforcement agency provided technical support for the investigation. On August 31, the regional court in Taldykorgan found all defendants guilty as charged. The court sentenced Rustam Ibragimov, a former ministry of internal affairs official, to death, though he will remain in prison as long as the death penalty moratorium remains in effect. The remaining defendants received prison sentences from 3 to 20 years. The Supreme Court upheld the sentences on December 8.

Opposition leaders charged that the killing was politically motivated, and sharply criticized the conduct and remote location of the trial. The evidence strongly indicated the involvement of all those charged, but the court failed to follow up and investigate signs that other parties and high-level government officials may have been involved in instigating or ordering the killings. In a confession that he later retracted, Yerzhan Utembayev, the former chief of administration for the senate, claimed he ordered the killing in retribution for a public personal slight by Sarsenbaiuly.

Military hazing was a serious problem that led to deaths, suicides and serious injuries (see section 1.c.). During the year, the procurator general's office reported six suicides within the military in the first six months of the year, compared with 26 in 2005.

On February 4, conscript Amanzhol Akhmetov died on guard duty. The official investigation reported that Akhmetov left his post for an unknown reason, seized a machine gun from another soldier, and shot himself to death. Akhmetov's parents and the Soldiers' Mothers' Committee demanded further investigation of the incident, and believed that Akhmetov's death was the result of hazing.

On February 15, Junior Sergeant Adalykov was sentenced to six years in prison for the November 2005 death of conscript Asylbek Abdikov. Abdikov died after being struck in the throat by Adalykov. Senior officers in the military unit also received disciplinary penalties.

On November 22, soldiers from the Darkhan border guard detachment in the Saryagash district of South Kazakhstan reportedly hazed newly arrived conscripts over the course of two days, beating them and refusing to allow them to sleep. Eighteen conscripts were injured, and one conscript died from his injuries. The head of the military investigation department of the local Ministry of Internal Affairs (MVD) garrison reported the incident. A criminal investigation was pending at year's end.

In November 2005 the military court of the Akmolinskiy army unit sentenced an older conscript, Abylair Ospanov, to five years in prison for the April 2005 death of conscript Samat Kapezov. On February 14, a higher military court extended the sentence to six and a half years based on an appeal by the procurator.

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, but police and prison officials at times tortured, beat, and abused detainees, often to obtain confessions. In its

Human Rights Commission's annual report, the Government 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 procuratorial practices that overemphasized a defendant's confession of guilt over collecting other types of evidence in building a criminal case against a defendant.

In February Supreme Court Judge Raisa Yurchenko publicly acknowledged that police used psychological and physical pressure on suspects under investigation, but said that law enforcement officials effectively concealed their abuses and victims were afraid to report them.

The ombudsman's office reported 2,613 citizen complaints during the year, over 20 percent of which were allegations of abuse by law enforcement.

On May 29, two police officers detained and beat alleged thief Yerbolat Ospanov after he was reportedly unable to pay a bribe to have the charges dropped. Ospanov's brother later paid a 51,200 tenge ($400) bribe and he was released. Yerbolat filed a complaint with the procuracy the next day, but no action was taken at year's end.

On August 28, the head of the Mugalzhar district police office in the Aktobe region was sentenced to three years in prison for a January 2005 incident in which he and several deputies severely beat several murder suspects. The beatings occurred over the course of two days in an attempt to extract confessions. The deputies were sentenced to 2 and one-half years in prison.

There were unconfirmed reports that some women detained by law enforcement officers were subjected to coercive sexual advances or raped. In January an NGO in Kokshetau filed a complaint against police inspectors for sexually abusing underage detainees in the Kokshetau juvenile detention center. Local authorities initiated a criminal investigation. Three suspects were fired, though rape charges were brought against only one of the three—Yerlan Karabekov. The Kokshetau city court acquitted Karabekov of rape charges on October 12, but sentenced him to four years in prison for abuse of power. On appeal, the sentence was reduced to two years.

The MVD reported that the number of crimes related to military hazing and abuse of power declined by 14 percent during the year, though military hazing remained a serious problem.

A few army personnel continued to subject conscripts to physical and verbal abuse, despite noncommissioned officer (NCO) corps reforms that addressed patterns that led to conscript hazing. There were reports of hazing-related deaths and suicide that in some cases led to investigations and eventual convictions of service members. The Government investigated allegations of conscript hazing and prosecuted soldiers who engaged in this abuse; six soldiers were convicted in the first six months of the year. The Government took steps to root out soldier abuse by continuing to expand a professional NCO corps and gradually transitioning toward a largely volunteer military. The Government also implemented new human rights training and responsibilities for NCOs and continued a training program for military personnel at all levels, which included mandatory anti-hazing training. The Ministry of Defense (MOD) reported that it was tightening discipline to address hazing and other offenses, and was implementing ad hoc inspections and requiring systematic reports from senior officers concerning the situation in their units. The MOD reported that these efforts resulted in a 28 percent decline in crimes by military personnel compared with the previous year including a 48 percent decline in incidents of delinquency and a 61 percent decline in unauthorized service leaves.

On July 31, 20-year-old Yerlan Kadenov, a sergeant in a Shymkent military unit, reported to military doctors with complaints of dizziness and nausea. On August 3, he was hospitalized and underwent emergency surgery for internal injuries. Military procurators suspect hazing, and were investigating the incident at year's end.

On July 2, the media reported a hazing incident in an Almaty military unit. Nurlan Zhandagulov, the father of one of the conscripts, was reportedly rebuffed when he appealed to the commander of the military unit. However, the MOD responded to Zhandagulov's appeal and military procurators arrested two soldiers for the abuses. Several senior officers were also disciplined, and younger conscripts were separated from older soldiers.

Prison and Detention Center Conditions.—Though the Government implemented prison reforms and granted greater access, prison conditions remained harsh and facilities did not meet international health standards. Mistreatment occurred in police cells, pretrial detention facilities, and prisons. The Government took some steps to address systemic patterns that encouraged prisoner abuse. These included continued operation of and increased access for regional penitentiary oversight commissions, training of prison officials, and seminars for MVD police; however, no prison officials were prosecuted for abuses during the year.

The Government conducted 13 criminal investigations of penitentiary officials for corruption in the first eight months of the year. These investigations resulted in 12 convictions and one acquittal.

A Council for Public Oversight, established in 2004, 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 (ICRC). However, police cells operated by the MVD remained closed to outside observers.

NGOs and international observers reported good cooperation with Ministry of Justice (MOJ) leadership, and credited the MOJ with taking some active steps to improve prison conditions. Provision of medical services improved, particularly with respect to fighting tuberculosis. However, observers reported that the pace of reform has slowed in comparison to previous years.

Although the Government made some efforts to upgrade existing facilities and build new ones, buildings at many prisons remained outdated and hygiene conditions were substandard. In February the procurator general's office issued an order closing one of the buildings in the Semipalatinsk pretrial investigation facility because it did not meet sanitary standards and posed a threat to the health and lives of detainees. On May 25, the procurator general's office issued a statement criticizing the MOJ for failing to address overcrowding, sewage, and poor sanitation in prisons.

During the year, 31 detainee deaths, including five suicides, were reported at pretrial detention facilities. The Government reported 268 deaths in prisons during the year, including 26 suicides.

Incidents of self-mutilation by inmates to protest prison conditions continued. On March 31, inmates in the Zarechniy prison outside of Almaty rioted to protest harsh conditions, mistreatment, and confiscation of personal belongings. According to human rights activists, the prison was originally designated to house convicted law enforcement officers. However, prior to the riot, regular criminals were added to the population, leading to increased tension and the tightening of controls. Twenty-four inmates mutilated themselves by cutting their abdomens, and three inmates were injured when prison guards restored order. Local NGOs were permitted to visit the facility and interview inmates after the incident. An activist from the Public Committee for Monitoring Human Rights reported that the prison officials' response to the riot was generally appropriate. Several officers of the prison administration were disciplined for their failure to deal with the protest action. After the incident, prison officials transferred the regular criminals out of the population to reduce tension and problems.

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 MVD 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 MVD reports to the Prime Minister. The Committee for National Security (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 high. Police were poorly paid and widely believed to be corrupt. According to Security Council Secretary Berik Imashev, police officers committed 182 corruption crimes during the year, although only 70 officers were fired for corruption.

During the year the Government maintained MVD hot lines to receive complaints about police corruption and abuse; there were no available statistics on the number of investigations. As part of an effort to address one of the underlying causes of corruption, the MVD increased police salaries during the year by 32 percent.

A council for coordination of law enforcement operations, established in the 1990s, 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 MVD 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, but the procurator general reported that illegal detention remained a problem. Warrants are required for arrest. Procurators have the power to authorize arrest and pretrial detention as well as investigative actions such as searches and seizures. The law allows police to hold a detainee for 72 hours before bringing charges. Human rights observers alleged that authorities often exceeded this limit in practice.

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.

The 2005 Human Rights Report issued by the Presidential Human Rights Commission indicated widespread incidents of arbitrary arrest and detention of citizens in which they were brought to the police and kept in offices. The procurator general's office reported that 375 individuals were illegally detained in police offices in the first half of the year. In the first half of the year, prosecutors released 20 individuals who were illegally detained in pretrial detention facilities; criminal charges against them were dropped.

The Government arrested and detained a few government opponents and critics, sometimes for minor infractions of the law such as unsanctioned assembly, and selectively prosecuted political opponents (see sections 1.e., 2.a., and 2.b.). However, there were no allegations of prolonged detention for political offenses.

On May 27, about 15 members of the opposition youth group Socialist Resistance were detained by police for several hours in Almaty. The police first claimed that they were responding to a noise complaint, and later said that there had been an armed robbery in the neighborhood. The detained youths reported that police and KNB officers interrogated them and sought incriminating information about their leaders.

Amnesty.—The MOJ released 3,445 prisoners in an amnesty campaign, and 14,300 other convicts were pardoned.

e. Denial of Fair Public Trial.—The law does not adequately provide for an independent judiciary. The executive branch limited judicial independence. Procurators enjoyed a quasi-judicial role and were permitted to suspend court decisions.

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 regional (oblast) level judges, but these appointments are made directly by the President. The President, upon the recommendation of the MOJ and the Qualification Collegium, appointed lower-level court judges. 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.

Corruption was evident at every stage and level 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 (see section 3).

Trial Procedures.—The law allows for trial by jury, but jury trials were not scheduled for implementation until 2007. 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 during the year of journalists 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 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. These rights were generally exercised in practice; however, there were reports of individual cases of infringement. Lack of due process was a problem, particularly in politically motivated trials and in cases where improper political or financial influence was alleged.

The high-profile trial of the suspects in the killing of opposition leader Altynbek Sarsenbaiuly and his two associates was widely criticized for procedural flaws, including a refusal to allow questioning of certain witnesses by the defense and a failure of law enforcement officials to investigate allegations that others, including high-level government officials, may have been involved. The remote location of the trial complicated public and media attendance (see section 1.a.). Likewise, attorneys for both the defendants and the victims' families criticized the conduct of the subsequent supreme court appeal. On December 7, the supreme court abruptly ended the appeal hearing before resolving several motions or allowing the victims' representatives to make final statements. On December 8, the court upheld the guilty verdicts and sentences.

Political Prisoners and Detainees.—There were no reports of political prisoners; however, there were reports of individuals imprisoned following politically motivated criminal prosecutions based on nonpolitical offenses. On January 14, former governor and Democratic Choice of Kazakhstan leader Galymzhan Zhakiyanov was granted early conditional release from prison. Zhakiyanov was convicted of abuse of power and corruption charges in 2002 following a trial that international observers maintained was politically motivated and lacked due process. In 2005 opposition political activist Alibek Zhumabeyev was arrested in Taraz for allegedly damaging a poster of the President and was charged with hooliganism and insulting the honor and dignity of the President. Opposition leaders claimed that the case was politically motivated, and that students were coerced to testify against Zhumabeyev. Zhumabeyev was eligible for amnesty but procurators added an additional charge of organizing mass disorder, which disqualified him. On May 15, the city court in Taraz sentenced him to five years in prison. On June 22, the Taraz regional court conducted an open and procedurally fair appeal proceeding, but rejected Zhumabeyev's arguments without elaboration.

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, civil courts are widely viewed 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, MVD, financial police, and other agencies, with the concurrence of the procurator general's office, 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 their movements and telephone calls on occasion.

Though the constitution provides that housing shall be inviolable and that the Government may not deprive citizens of their housing without a court order, authorities in the Bakay neighborhood of Almaty demolished several hundred homes under questionable legal circumstances as part of a government campaign to clear illegal settlements. On July 7, authorities appeared in Bakay with bulldozers and 1,500 riot police and demolished what they claimed were illegally built houses. Residents were given little notice of the planned eviction, and 350 to 400 houses were bulldozed with their belongings still inside. Residents claimed that the vast majority of evictions were not legally justified, as bailiffs presented court orders related to only 29 houses.

A subsequent effort to demolish homes in the Shanyrak district was violently resisted by residents. On July 14, 2,000 law enforcement officers converged on 1,500 residents, and violent conflict ensued. Many were injured and arrested, and residents took several police officers hostage. One police officer was soaked with gasoline and set alight, and later died from his injuries. Several residents were in detention awaiting trial at year's end. Ultimately, the authorities did not succeed in carrying out the evictions or demolitions. On August 16, 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.

On November 21, authorities in the Karasai district near Almaty demolished multiple homes in a Hare Krishna commune in order to evict the property owners. Although authorities produced court orders, residents received little notice of the planned demolitions, and most of their possessions were damaged or destroyed (see section 2.c.).

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, revocation of registration, 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 closure 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 provides for the protection of the dignity of the President and prohibits insulting the President and other senior officials. As in previous years, the Government actively used the law to penalize media criticism of the President and other officials and members of the legislature. The Government continued to characterize the distribution of pamphlets by Hizb ut-Tahrir (HT) members as incitement for political and terrorist purposes, beyond the bounds of constitutionally protected free speech. The Government did not release statistics on the number of people arrested for involvement with HT, though in a December 22 speech, acting Otan Party chairman Bakhytzhan Zhumagulov said that hundreds of HT supporters are currently serving sentences.

During the year, Minister of Culture and Information Yermukhamet Yertysbayev took measures to assert government control of the country's official television outlets, which included installing new leadership in the official Kazakhstan–1 television network and consolidating government ownership of the Khabar network. He also criticized foreign ownership of media outlets, and threatened the broadcasting license of the privately owned Commercial Television of Kazakhstan (KTK) television network for allegedly failing to broadcast the legally required amount of Kazakh language programming and for its coverage of the Sarsenbaiuly killing. KTK television continued to broadcast at year's end.

On July 5, the President signed controversial new amendments to the country's media law despite widespread criticism from national and international media advocacy groups. The amendments tightened government control over the media. The law now requires media owners to re-register upon any change in editor, address, or frequency of publishing; bans anyone convicted of libel from holding a managing editor position at another media outlet; prohibits registering an outlet under a name similar to one that was shut down by court action; and imposes fines against broadcasters for failing to offer the already required 50–50 mix of Kazakh and Russian language programming time. In a July 6 interview, the minister of culture and information acknowledged that the law was designed to increase government control of the media. However, no media outlets were closed under the new law during the course of the year.

According to government statistics, 22 percent of the 2,479 media outlets were government-owned. The overwhelming majority of broadcast media considered to be independent, including the larger outlets, were owned by holding companies be-

lieved to be controlled by members of the President's family and close circle of friends. Many privately owned newspapers and television stations received government subsidies. The Government controlled nearly all broadcast transmission facilities. There were 177 television and 40 radio stations. Media observers believed that six of the seven nationwide television broadcasters were wholly or partly owned by the Government; one was nominally independent. Regional governments owned several frequencies; independent broadcasters arranged to use the majority of these.

In contrast to 2005, a Presidential election year, the Government made no attempt to seize opposition newspapers during the year, and printing houses did not refuse to print opposition papers. Unlike the previous year, there were no known cases where opposition papers were refused registration; overall, they faced fewer problems.

All media were required to register with the Ministry of Culture and Information (MCI), although Web sites were exempted from this requirement.

The licensing system is not transparent. There was no tender for new licenses this year.

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 no media outlets were sanctioned under this provision.

Harassment of and violence against journalists remained problems, though there were fewer incidents than in 2005, the Presidential election year. Press advocacy NGO Adil Soz reported 122 incidents of harassment and violence against journalists during the first 11 months of the year, compared to 706 such incidents during the first 11 months of the previous year.

Several journalists were briefly detained in Almaty on April 26 while covering a silent protest in honor of Altynbek Sarsenbaiuly (see section 2.b.).

On August 20, riot police disrupted Channel 31's coverage of a protest rally in Aktau. The journalists alleged that the police broke a television camera and struck one of the camera operators in the head. The Mangistau regional governor later accused the Channel 31 journalists of being drunk and instigating the riot (see section 2.b.).

During the year the four attackers of Azamat Dospanov of Altyn Gasyr were identified and arrested. The court dropped charges in exchange for the perpetrators paying compensation. An investigation produced no results, and there were no further developments in the August 2005 attack against Altyn Gasr's editor-in-chief.

In November 2005 unknown assailants vandalized the office of the Region Plus newspaper in Kapchagay. The paper's staff believed the attack to be a response to its reporting. According to the paper, the police investigated the case but no charges were filed by year's end.

The procurator took no action by year's end in the investigation of the 2004 assault against Ak Zhaik correspondents Tamara Sukhomlinova and Gulzhanat Isabayeva.

Journalists covering organized crime and corruption reported harassment and intimidation by both government officials and private actors. On August 17, the minister of culture and information appealed to the media to launch a full-scale fight against government corruption, and promised to protect journalists if government employees tried to pressure them. NGO Adil Soz reported, however, that journalists were skeptical of the minister's support and his ability to intervene.

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. Legislation enacted in 2005 prohibits publication of any statement that promotes or glorifies "extremism," a term which international legal experts considered unduly vague and called upon the Government to define.

In some cases, media outlets willing to criticize the President directly were subjected to intimidation in the form of law enforcement actions or civil suits. While these events continued to cast a chilling effect on all media outlets, criticism of government policies continued to be reported during the year.

The law on state secrets makes it a criminal offense to release any information about the health, finances, or private life of the President, as well as economic information about the country such as the volumes of national mineral reserves and the amount of government debt owed to foreign creditors. Media outlets generally practiced self-censorship regarding information on the President and his family to avoid possible legal problems.

The Government continued to intimidate newspapers that reported on a several year old scandal involving a foreign investigation into possible illicit payments, allegedly from foreign companies to senior government officials, including President Nazarbayev. Local media outlets, when they did report on the case, informally dubbed it "Kazakhgate". On February 8, the Almaty city court closed the newspaper Zhuma Times: Data Nedelye for insulting the President's dignity and honor. The paper had frequently printed articles on Kazakhgate, and was previously fined during an October 2005 closed trial for publishing the article "Kazakhgate: History of One Crime." The paper resumed publishing under the new names Taszhargan and Aina Plyus. In early April the Government fined and suspended for three months Aina Plyus without notification of the court hearing. On April 23 ten unknown assailants brutally beat Aina Plyus journalist Kenzhegali Aitbakiyev in an attack the editor said was connected to the paper's reporting on Kazakhgate. The chairman of the parliament's international affairs committee called on the procurator to bring the attackers to justice. In September local police asked Aitbakiyev to write up the attack as a routine brawl; he refused, and since then has received no communication from the police about the attack.

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 the content of information conveyed and had the burden of proving its veracity, regardless of its source, promoted self-censorship at each level. At times fines for libel were exorbitant and in previous years they resulted in the bankruptcy of small media outlets.

On May 31, the chairman of the oblast court in Atyrau initiated a criminal case against journalist Lion Guzikov for publishing a newspaper article that criticized the court's handling of a murder case. On June 24, the Almaty KNB filed a lawsuit against opposition journalist Kazis Toguzbayev for insulting the President's honor in a May 3 online article alleging a cover-up in the Sarsenbaiuly murder investigation. On August 8, the Almaty KNB initiated a second lawsuit against Toguzbayev for an April 2 online article critical of the President. The trials for both cases were underway at year's end. On July 24, an Almaty district court fined the Central Asia Monitor 5,120,000 tenge ($40,000) for insulting the honor of legislator Yersayl Abylkasymov in an December 2005 article. The newspaper sought a reduced fine on appeal, but the appellate court upheld the decision on October 9.

On July 31, the Government sentenced independent journalist Zhasaral Kuanyshalin to two years in prison for "infringement upon the honor and dignity of the President" under article 318/2 of the criminal code. A criminal investigation was launched against Kuanyshalin for his public demands to prosecute President Nazarbayev for treason. The case against Kuanyshalin was later commuted following an amnesty.

The Government continued to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. Many publishing houses were government owned. Some journalists alleged that the KNB or tax police threatened publishing houses if they printed opposition media; concern over criminal or civil proceedings influenced publishing houses. Public access to newspapers critical of the Government was hindered by low circulation and limited distribution of these papers; they were dwarfed by official or pro-governmental media which reaches most of the population.

Internet Freedom.—There were no formal government restrictions on access to the Internet, but independent web media reported that the Government monitored e-mail and Internet activity, blocked or slowed access to opposition Web sites and materials critical of Nazarbayev or members of his family, and planted pro-government propaganda in Internet chat rooms. The country's only Internet service providers, state-owned Kaztelecom and Nursat, which are privately owned but regulated by the state, introduced technical controls such as limiting bandwidth and blocking access via proxy servers. Web site content was regularly subject to civil and criminal libel suits.

In 2005 the Agency for Information and Communication (AIC) issued regulations, without parliamentary discussion, to control the application process for registering .kz domains. The AIC may suspend or revoke registration under certain circumstances, including failure to locate servers in the country. Observers criticized the registration process as unduly restrictive and vulnerable to abuse. The Organization for Security and Cooperation in Europe's (OSCE) Representative on Freedom of the Media asked the Government to withdraw these regulations. In December

2005 the Government deemed as offensive the content of a satirical web site controlled by British comedian Sacha Baron Cohen and revoked the .kz domain.

Estimates of the number of regular Internet users in the country range from 100,000 to 600,000 (0.7 percent to 4 percent of the population), and these users live almost exclusively in urban areas. The Government ordered a reduction in the cost of access several times over the course of the year to increase Internet access. The Government reported a 50 percent increase in the number of Internet users in the first nine months of the year, and credited the rate cuts for the increase.

During the year, the minister of culture and information stressed the need to expand public access to the Internet, but on several occasions declared the need to impose greater official control over the Internet and end libel and lies about government officials.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom, though academics, like journalists, could not violate certain restrictions, such as criticizing the President and his family.

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.

On December 22, the President signed legislation repealing the April 2005 amendment to the elections law prohibiting any election-related demonstrations from the period following the end of the voting until the Central Election Commission (CEC) publishes the official results.

The February 2005 Extremism Law prohibits "extremism" during rallies and demonstrations. "Extremism" is ill-defined in the legislation. Human rights observers were concerned that the law could be used to silence critics, stifle opposition, and limit religious freedom, though the law was not applied in this manner during the year.

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 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. Organizers of unsanctioned gatherings, including political party gatherings, frequently were detained briefly and fined (see section 3). Opposition parties at times chose to hold unsanctioned rallies and, as a result, members were arrested, detained, and fined.

Authorities dispersed several gatherings in honor of slain opposition leader Altynbek Sarsenbaiuly (see section 1.a.). On February 26, Almaty police attempted to block approximately 4,000 citizens from marching to Republic Square to hold a rally in memory of Sarsenbaiuly and victims of political repression. After the rally, several organizers and participants were detained from 5 to 15 days in the local prison, and several received significant fines. Authorities arrested and fined participants in similar rallies on February 26 in Astana, on March 5 in Kyzlorda, and on April 26 in Almaty.

On June 6, the Government refused to admit opposition Alga party members into the supreme court hearing on Alga's appeal of their registration denial. Some Alga members then set up a sound system on the steps of the building. Police met with resistance their attempt to seize the sound system and in response beat and detained a number of Alga supporters, including party head, Asylbek Kozhakhmetov, on charges of holding an unauthorized demonstration.

Opposition activists from the For a Just Kazakhstan movement and the Socialist Resistance movement sought permission for a rally from the Aktobe city akim on July 12. The authorities did not respond until the eve of the planned rally, and then provided only a vague response. The organizers were forced to cancel the event.

On August 20, several hundred residents of Aktau gathered in a central square to demand the dismissal of the oblast and city akims, alleging corruption and favoritism. Organizers promoted the gathering in advance with leaflets appealing to ethnic nationalism and strongly criticizing the akims. The police dispersed the rally and arrested about 20 protesters. According to news reports, police used batons and shields and several protesters were injured in clashes. The following day, the oblast akim issued a press release characterizing the event as hooliganism instigated by drunken reporters from the Channel 31 news service. Most media reports contradicted the press release (see section 2.a.).

On November 26, approximately 100 owners of right-hand drive vehicles held a rally in Almaty to protest a proposed a ban on their vehicles. The police dispersed the protest and arrested and fined the leader for holding an unauthorized rally.

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. A public or religious association that acts outside the scope of its 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 parties to have 50,000 signatures, including 1,000 in each region, and prohibits parties established on an ethnic, gender or religious basis (see section 3). 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, though bureaucratic corruption within the registration process was common and added to the cost of registration. Many organizations hired lawyers or other consultants to expedite registration through the bureaucracy, which increased the registration cost. The official registration fee was substantially reduced in December 2005. In general, NGOs and civil society activists reported that the frequency of government inspections and audits was less than in the previous year. However, NGOs involved in human rights advocacy and political activities faced greater administrative delays and obstacles (see section 4). The Almaty Helsinki Committee and the Kazakhstan International Bureau for Human Rights reported that several youth political movements faced harassment and registration problems during the year.

The February 2005 extremism law criminalizes membership in certain prohibited organizations. At year's end, Islamist political organization HT was the only organization banned under this law. Several members of HT were convicted on charges including extremism and terrorism during the year. 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 called the caliphate.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and most religious communities worshiped largely without government interference. Higher-level officials or courts usually intervened to correct occasional attempts by local officials to limit the practice of religion by some nontraditional groups. Religious leaders praised the role the Government played in ensuring their right to the peaceful practice of religious beliefs. Some perceived the former chairman of the Secretariat of the Council on Relations with Religious Communities, now the deputy head of the newly-organized Religious Issues Committee (RIC), and the Ombudsman's Office, as advocates for religious freedom within the Government.

The constitution and law define the country as a secular state. The generally amicable relationship among religions in society contributed to religious freedom. The country is multiethnic, with a long tradition of tolerance and secularism. The population, particularly in rural areas, is sometimes wary of nontraditional religions. The Government invited the leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in some state events. Leaders of other faiths have at times also participated in some government events. In September, President Nazarbayev hosted the second Congress of World Religions in Astana, an event which featured the participation of a wide variety of religious groups, including nontraditional groups. In the run-up to the event, Nazarbayev publicly highlighted and praised the country's tradition of interethnic and interfaith tolerance.

In July 2005 amendments to the religion law restricted legal protections of religious freedom. 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 organiza-

tions may act as a legal entity to buy or rent real property, hire employees, or engage in other legal transactions.

Most religious groups, including minority and nontraditional denominations, reported that in practice the amendments did not materially affect religious activities. However, 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 RIC frequently intervened to assist with registration problems at the local level.

Members of the Council of Churches of Evangelical Christians and Baptists reported they were harassed by law enforcement for not being registered. The council has a policy of not seeking or accepting registration in former Soviet countries for religious reasons and as a result of persecution and government harassment suffered during Soviet times. Although the Government generally did not enforce court orders for congregations affiliated with the council to register or pay fines, the level of harassment, fines, and court cases increased. In one instance authorities imprisoned a pastor for three days for failure to pay a fine. In addition, local representatives of the KNB or police officials disrupted meetings in churches and private homes during the year. In May a group of 10 Baptist pastors were detained and fined in the Almaty oblast for preaching and distributing holy books without registration.

According to media reports, members of the unregistered Tabligh Jamaat movement, an Islamic missionary group, also faced detentions and fines for conducting religious activities without registration. In September the Aktau prosecutor brought administrative charges against several Tabligh members for proselytizing in a mosque in the village of Kyzyl-Tobe. Five members were each fined 51,500 tenge ($400). In October police arrested six members of the group in the city of Ekibastuz for delivering a theological lecture at a local mosque. The leader of the group was fined 51,500 tenge ($400).

Although the Spiritual Association of Muslims of Kazakhstan (SAMK), a coalition of mosques and clergy, is nominally independent and has no official status, there were reports that the Government attempted to coerce independent mosques and Muslim clergy to affiliate with the group to ensure liturgical orthodoxy. According to press reports, the SAMK itself criticized small, nontraditional Muslim groups such as the Ahmadis, Bahais, and Sufis, maintaining that their teachings contradicted the principles of Islam.

The national Jehovah's Witnesses Religious Center had generally positive relations with the national government, but the group alleged several incidents of local government harassment during the year. Though Jehovah's Witnesses organizations are registered at the national level, in Astana and Almaty, and in thirteen regions, the Jehovah's Witnesses Religious Center has attempted unsuccessfully since 2001 to register in Atyrau Oblast. The Atyrau regional procurator's office maintained that the group has consistently failed to comply with registration laws. The group did not submit a registration application this year; its most recent application was turned down in December 2005 based on incomplete registration materials. The center claimed that local officials sometimes denied the group permits to rent stadiums and other large public or private sites for religious meetings. However, the center also reported that government treatment of these requests varied. No other religious groups reported such instances of being denied permits for public gatherings.

The Karasai regional government near Almaty continued a campaign to seize title to land used by the Hare Krishna movement. In April an appeals court upheld a lower court decision that the land should revert to the Karasai regional government because the farmer from whom Hare Krishna followers had purchased the land in 1999 did not hold title, and thus the land had not been properly privatized. On April 25, local officials went to the commune to evict the followers. Hare Krishna followers peacefully resisted and local authorities did not use force. The Hare Krishnas appealed to the supreme court. On August 24, the supreme court denied the Hare Krishna's appeal without elaboration on lower court rulings.

Following the denial, the RIC formed a special commission to resolve the issue and promised that no further action would be taken against the commune until the commission completed its work. The commission was described by some participants as disorganized and subjective; Hare Krishna leaders alleged it was created merely to deflect criticism of the Government on the eve of the Congress of World Religions, which took place in the country in September. On November 21, with little notice to residents, Karasai district officials arrived at the commune with court orders, bulldozers, trucks, and riot police. Authorities blocked access to the commune, cut electricity, and demolished multiple homes, destroying possessions and leaving

homeowners without shelter or compensation. The police beat several Hare Krishnas and arrested at least one resident who protested the action. The police attempted to bar observers from the process. The demolitions occurred without the knowledge of the RIC and before the special commission released its results. On December 22 the commission released its decision; however, the commission took no steps towards resolving the situation by year's end. Government officials stated in public comments following the decision that the Hare Krishnas were in violation of various land-use laws and they were not victims of religious discrimination. Although observers believed the Karasai district government's actions were motivated primarily by a financial interest in the land, the Hare Krishnas claimed the local government targeted them because they are a nontraditional religious community. Local officials criticized the Hare Krishnas as an illegitimate and threatening religious group; in an April 25 television interview a Karasai akimat official stated that the Hare Krishnas were dangerous for the country and "not accepted as a religion."

On October 23, the Ust-Kamenogorsk city administrative court convicted a foreign citizen of violating the terms of his business visa for giving a lecture at a legally registered protestant church. The foreign citizen was an administrator at a local university and had attended the church for many years. The court imposed a 41,200 tenge ($322) fine, and ordered his deportation. On November 14, the appeals court upheld the fine but eliminated the deportation penalty, contingent on the defendant leaving the country voluntarily.

Observers believed that security officials informally monitored some religious activity, particularly Muslim imams' sermons; however there were no reports that any monitoring manifested in interference or harassment.

Societal Abuses and Discrimination.—The Jewish community, estimated at below 1 percent of the population, has synagogues in several larger cities, including Almaty, Astana, and Pavlodar. There were no reports of anti-Semitic acts apart from the distribution of anti-Semitic literature by banned extremist Islamist political organization HT. The country's chief rabbi consistently praised the Government for its proactive protection of the Jewish community.

The Government made efforts to promote religious tolerance in its ranks. The MVD provides seminars to its police officers on sensitivity to religious minorities. Human rights training provided to law enforcement officers by NGOs in cooperation with the Government included information on religious rights under the law.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, but there were some regulatory restrictions. Citizens and foreigners in the country for more than five days were required 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. Persons who were suspects in criminal investigations were often required to sign statements that they would not leave their place of residence. Individuals were detained routinely for identity checks without suspicion of a criminal offense (see section 1.d.).

Although the Government did not require exit visas for temporary travel of citizens, certain instances in which exit from the country could be denied remained, 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 travel by active-duty military was controlled. 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.

Courts interpreted and the MVD enforced parole and travel restrictions in a manner that interfered with the activities of opposition leaders. Opposition leader Galymzhan Zhakiyanov, who was released from prison on January 14, (see section 1.e.) was barred from boarding a plane on April 24 to fly to Brussels and address the European Parliament. The terms of his parole did not require him to obtain permission to travel, but the MVD, working with the Pavlodar Oblast Court, retroactively imposed such a condition to justify their action. On May 3, the MVD denied Zhakiyanov's request to travel from Almaty to Astana to participate in a May 6 roundtable with a prominent foreign official, and on May 26 denied his request to travel to Moscow. However, the Government permitted Zhakiyanov to travel internally for nonpolitical purposes. Deputy chair of the opposition party True Ak Zhol, Bulat Abilov, was also barred from traveling to Brussels on April 24. Police summoned him to Karaganda on April 23 concerning a July 2005 criminal allegation,

and ordered him not to leave the country pending a future court date (see section 3).

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 five years after leaving government service. A permanent exit visa was required for emigration; obtaining this visa required criminal checks, credit checks, and letters from any dependents expressing no objection to exit visa issuance.

Foreigners were required to obtain prior permission to travel to some border areas with China and cities in close proximity to military installations. The Government continued to declare certain 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 MVD.

It was government policy to encourage and assist all ethnic Kazakhs living outside the country to return. The Government accorded special immigration treatment to ethnic Kazakhs and their families who fled during Stalin's era and wished to return. These returnees were in principle entitled to citizenship and many other privileges. Other persons, including ethnic Kazakhs who were not considered refugees from the Stalin era, had to apply for permission to return. Each region had a quota for returnees; apart from Almaty and the southern regions bordering Uzbekistan, these quotas went unfilled.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 fully implement 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 they feared persecution. In contrast to 2005, no refugees were forcibly returned 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 Commonwealth of Independent States (CIS) countries or China as described below. Only the President can grant political asylum, and he did not do so during the year. In some cases, asylum seekers and refugees were allowed 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 which give them some renewable temporary status in the country, though not the full protection of refugee status. Citizens from China are not granted any legal status, but 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 increased levels of government cooperation 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, though the UNHCR intervened on behalf of UNHCR mandate asylum seekers.

The Agency for Migration was incorporated into the Ministry of Labour and Social Protection and renamed the Committee on Migration. It 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. The Government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite but temporary legal resident status to Chechens until they could return home to safe condi-

tions. Even though there was a temporary registration procedure for Chechens, reports persisted that Chechens did not have the same access to registration as others, and often resorted to paying bribes to local officials to obtain registration.

On June 24, the KNB detained Uzbek refugee Gabdurafikh Temirbayev in response to an extradition request from the Government of Uzbekistan. On August 15, the Government released Temirbayev into UNHCR custody. The UNHCR feared that his life would have been endangered upon return to Uzbekistan, and praised the Government for its handling of the case.

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 Uighurs from China living in the country, and there were reports of Uighurs forcibly returned to China during the year, though none with a UNHCR refugee certificate. In July, the Government detained Arkin Yarmamat Sabirov, an ethnic Uighur and Chinese citizen, on unspecified charges. His wife requested asylum on his behalf, but neither his family nor the UNHCR was granted access to him during his detention. On October 23, an Almaty court acquitted him and he was released. He disappeared immediately after his release, and UNHCR officials feared he may have been deported to China.

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.

The constitution concentrates 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, and the chairman and members of the CEC, who oversee Presidential and parliamentary elections. The parliament has never failed to confirm a Presidential nomination. Modifying or amending the constitution effectively requires the President's consent.

Elections and Political Participation.—In December 2005 the country held its Presidential election. The OSCE reported that despite some improvements in the administration of this election in the pre-election period, the December 2005 Presidential election did not meet a number of OSCE commitments and other international standards for democratic elections. The opposition also claimed that the Presidential election was marred by numerous violations.

The OSCE assessment noted several areas of improvement over the conduct of the previous Presidential election, including that multiple candidates were allowed to participate in the election, the CEC acted with increased transparency and corrected voting-process deficiencies noted in prior elections, state media outlets generally met their legal obligations to provide free airtime to candidates, and the CEC responded to opposition and independent candidate complaints of denial of media access. Most lower-level election commission members were adequately trained and equipped to conduct voting; however, opposition parties were underrepresented in the makeup of these commissions. The CEC strengthened cooperation with the OSCE and accredited a large number of foreign observers.

The OSCE noted that none of the OSCE recommendations regarding the legislative framework were implemented. The OSCE reported undue involvement of the authorities in the election campaign, serious limitations on political speech that prohibited certain criticism of the President, unequal access to the media for opposition and independent candidates, government refusal to grant the majority of opposition assembly permit requests, restrictions on holding outdoor meetings, inadequate venues, insufficient access to advertising space for opposition and independent candidates, and an overall atmosphere of intimidation. There were frequent reports of opposition campaign events being disrupted by organized protests that at times reportedly escalated to violence; opposition campaign staff were harassed, beaten and detained; opposition members were detained for unsanctioned assemblies. Domestic, international and foreign NGOs were also subject to stricter governmental scrutiny during the election period. The OSCE assessment noted apparent improvements to the e-voting system since its 2004 introduction, but criticized the lack of a mechanism to verify or to audit election results.

Of the more than 1,000 cases of alleged violations submitted to the courts, a handful were upheld. The authorities censured more than 50 officials, mostly local administrators and members of precinct election commissions. Overall the Government refuted many alleged electoral violations and failed to investigate them fully.

Several legal changes in 2005 limited the ability of opponents to campaign freely against incumbent Nursultan Nazarbayev. Amendments prohibited election-related demonstrations and rallies during the period following voting until the CEC publishes the official election results (see section 2.b.), although on December 22 the Government repealed this prohibition. The amendments also restrict political blocs, which are required to have a coordinating council and written agreement between parties. July 2005 amendments to the political parties law require 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 members from each oblast and the cities of Astana and Almaty; registration from the CEC; and registration from each oblast-level election commission for final registration. The amendments also prohibit political party names that resemble the names of liquidated political parties. After the Presidential election, the OSCE issued a final report recommending multiple legislative changes to improve the legal framework for elections. By the end of the year, the Government had adopted only one—the repeal of the prohibition on election-related demonstrations during the period following voting.

In June the President issued a decree establishing a trial election of 30 percent of district and city akims (county executives and mayors) for four-year terms. According to the rules developed by the CEC, regional akims (governors), who are appointed by the President, had the sole authority to nominate candidates for county executive and mayoral positions. Regional governors were required to nominate at least two candidates for each position. Directly elected local-level legislatures (maslikhats) had the sole authority to vote on the nominees.

On October 20, the Government conducted the trial elections. The maslikhats chose 49 county executives and 10 mayors (representing roughly 30 percent of the country's regions). In some cases, the President's Otan Party recommended candidates to the regional governors, and the majority of candidates in the election were Otan Party members. Campaigning occurred, but was focused on influencing maslikhat members and not widely publicized. The CEC and observers reported that the elections were conducted without major procedural violations. Democracy activists and opposition leaders widely criticized the closed nature of the process, and did not consider the event an election.

President Nazarbayev's Otan Party dominated political life, and beginning in October there was only one opposition member in parliament. Individuals and registered parties could declare their candidacy and stand for election if they met certain criteria. Candidates for presidency, for example, were required to provide financial statements, submit to a Kazakh language test, and provide a petition with 85,000 signatures. Independent candidates could run for office. 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 pro-Presidential Otan party.

At year's end there were nine registered political parties, including opposition parties Ak Zhol, True Ak Zhol, and the Communist Party of Kazakhstan. At year's end Alga, Atameken, and National Social Democratic Party's registrations were all pending. On March 17, the MOJ registered True Ak Zhol after one of its co-chairmen, Sarsenbaiuly, was murdered. The MOJ continued to deny attempts to register opposition party Alga. In September, despite extensive but unsuccessful litigation, the party reinitiated the registration process; Alga was still not registered at year's end. On December 22, in a series of moves to consolidate pro-Presidential parties, the Asar, Civic, and Agrarian parties merged with Otan, the President's party. The name of the party was changed to Nur Otan.

The Government restricted the functioning of the political opposition by enforcing onerous registration requirements, hindering or denying party registration, charging critics with libel (see section 2.a.), enforcing burdensome assembly permit requirements and refusing to grant assembly permits, dispersing opposition rallies (see section 2.b.), arresting opposition leaders on politically motivated charges, and preventing opposition leaders from traveling (see section 2.d.).

The law prohibits parties established on an ethnic, gender, or religious basis (see section 3). Acceptance of an illegal donation is penalized by a fine, administrative arrest for up to 15 days, and prohibition of political party activities. Political parties may also be fined or suspended if they fail to register or re-register or file an annual financial disclosure statement.

On July 24, the Temirtau City Court convicted True Ak Zhol co-chairman Bulat Abilov of attacking a police lieutenant and insulting a government official while campaigning on behalf of opposition candidate Zharmakhan Tuyakbay during the 2005 Presidential election. Abilov and his supporters claimed the charges were po-

litically motivated. The court issued a three-year suspended sentence and two years of probation, and the conviction prevented him from registering as a candidate in future elections. In a separate case, he was charged with fraud and tax evasion in connection with earlier business activities and was not permitted to leave the country during the investigations. The trial was underway at year's end.

There were 2 women in the 39-seat senate and 8 women in the 77 member lower house of parliament. There were four women in the cabinet. Traditional attitudes sometimes hindered women from holding high office or playing active roles in political life (see section 5), although there were no legal restrictions on the participation of women and minorities in politics. There were 7 non-Kazakhs in the senate, and 14 in the lower house of parliament. There were three non Kazakh cabinet members.

Government Corruption and Transparency.—Corruption remained a serious problem, including in the executive branch, various law enforcement agencies, local government administrations, the education system, and the judiciary. The MVD, financial police, KNB, and Disciplinary State Service Commission are responsible for combating corruption. Opposition leaders accused the Government of rampant corruption.

The Government took some measures to address it and increased its attention to the problem through educational and public awareness efforts. An April 2005 anticorruption decree restructured disciplinary councils in all provinces, instructing them to become more accountable and transparent and to reduce government interference in business activities. The financial police and KNB conduct most corruption investigations under the supervision of the procurator general's office.

Lower- and middle-ranking officials and minor political figures were penalized on corruption charges. There were no prosecutions of high-ranking officials for corruption.

The law mandates the Government, public associations, officials, and media outlets to 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. During the year parliamentary discussion of controversial pieces of legislation was closed to the public and the media.

Section 4. Governmental Attitude 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, arbitrary tax investigations, and surveillance of NGOs' offices and personnel.

The Kazakhstani International Bureau for Human Rights (KIBHR), the Almaty Helsinki Commission, the Republican Network of Independent Monitors, the Confederation of NGOs, Penal Reform International, and Adil Soz were among the most active local human rights NGOs. Less than 10 percent of NGOs are engaged in civil liberties, human rights, and minority protection issues; these organizations are subject to the most stringent government control such as difficulties in registration and acquiring office space and technical facilities, periodic tax and financial audits, and legal constraints. Employees of local NGOs often were subjected to government harassment and intimidation.

NGOs reported a decrease in government investigations and harassment compared to the level experienced in 2005, a Presidential election year, when the Government used tax, immigration and other administrative investigations to question international and local NGOs concerning their activities. NGOs perceived these actions as an attempt to intimidate and to restrict their activities.

On July 25, the President signed a decree "On the concept of civil society development in Kazakhstan for 2006–2011," which outlined the Government's vision for civil society development in the country. The document received mixed reviews among the NGO community, and did not have a tangible impact on civil society development during the year.

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 as well as with 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.

National security laws, including July 2005 National Security Amendments, prohibit foreigners, international organizations, NGOs, and other nonprofit organizations from engaging in political activities, such as advocating for or against parties or candidates or attempting to influence elections. The July 2005 National Security Amendments stipulate that a noncommercial organization (NCO) 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. Observers criticized the legal provisions as being vague.

The procuracy general suspended nonpartisan political party building activities conducted by foreign NGOs on the basis of constitutional provisions. NGOs active in nonpolitical spheres, such as those supporting women and children or protecting the environment, were generally welcomed by the Government.

The Presidential Commission on Human Rights is a 22-member consultative and advisory body that includes members from the public. Members are 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. In May 2005, the commission issued a report analyzing 1,500 complaints of human rights violations and containing recommendations for state agencies. The bulk of the complaints concerned court judgments, law enforcement actions, and violation of citizens' rights during inspections and investigations.

The Presidentially appointed human rights ombudsman investigates complaints by citizens of violations of their rights by state agencies, though 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 regularly briefed the press and issued regular reports discussing complaints investigated. The ombudsman received 2,613 complaints during the year, and reported a restoration of rights in 162 cases. Many of the complaints concerned court rulings over which the ombudsman had no jurisdiction. Some human rights NGOs credited the ombudsman for serving as a valuable voice on behalf of human rights within the Government while others believed that the ombudsman was influenced by the Government and did not vigorously pursue investigations.

Domestic human rights observers noted that while government human rights investigators did some creditable work, the ombudsman's office and the human rights commission were limited in their ability to stop human rights abuses or punish perpetrators. Several human rights defenders criticized the proliferation of government commissions that nominally address human rights issues, none of which has independent authority to initiate criminal prosecutions of human rights abuses or corruption. On July 25, the constitutional council rejected draft amendments that would have allowed the ombudsman to intervene in court cases involving human rights.

On March 20, the President signed a decree establishing the State Commission on Drafting and Elaborating the Democratic Reform Program (Democratization Commission) for the purpose of conducting a national dialogue on reforming the political system and deepening democratic transformation. The commission was chaired by the President and includes high-level government officials, legislators, and representatives of political parties and public associations. Representatives from opposition parties were invited to participate, but many declined, citing concerns about the structure and true purpose of the commission. During the year, the commission analyzed and debated a number of proposals and served as the Government's primary vehicle for discussing democratic reform in the country. Human rights activists and opposition leaders criticized the top-down, government-controlled nature of the dialogue and decision-making process, and lack of concrete changes resulting from the commission's work.

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 over 10,000 domestic violence complaints and opened 1,157 criminal investigations during the first nine months of the year. An additional 4,700 of the complaints resulted in administrative punishment, including fines. NGOs reported that the actual number of domestic abuse crimes far exceeded the number of cases reported to police.

Law enforcement officials' reluctance to investigate domestic violence was a problem; police declined to investigate one-third of domestic violence complaints, considering them to be family matters. Police intervened only when they believed that the abuse was life threatening. According to estimates offered by NGOs, the police investigated only 10 percent of domestic violence complaints.

NGOs reported that women often withdrew their complaints as a result of economic insecurity. When victims did decide to press 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 domestic abusers were sentenced to incarceration at a minimum security labor colony and a minimum of 120 to 180 hours of work. Sentences for more serious cases of battery, including spousal battery, ranged from three months to three years imprisonment; the maximum sentence for aggravated battery was 10 years' imprisonment.

The punishment for rape, including spousal rape, ranges from three to 15 years' imprisonment. The Government reported it opened 892 criminal rape cases during the first seven months of the year, a 7 percent increase over the same time period last year. The investigations resulted in approximately 400 prosecutions. NGOs credited the increase in investigations to a growing awareness of legal rights among women. 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 Union of Crisis Centers of Kazakhstan, there are 22 crisis centers in the country providing assistance to women, as well as a number of smaller NGOs that provide some assistance. Four of the crisis centers also provide shelter for victims of violence; the Government funded two additional shelters.

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 nine months of the year the Government reported 241 criminal cases for prostitution-related crimes. Prostitution was a serious problem. NGOs reported that criminal prostitution rings often included local law enforcement officials.

Trafficking in women remained a problem (see section 5, Trafficking).

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, the Government's Human Rights Ombudsman and the Presidential Human Rights Commission publicly drew attention to the problem of discrimination against women. According to the Ombudsman's office, 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. The Presidential Human Rights Commission echoed these concerns, and reported a decline in the quality of employment opportunities for women.

According to government statistics for 2005, women's salaries averaged 61.1 percent those of men, and women's average salaries in 2005 were 147.7 percent greater

than women's average salaries in 2003. Women had unrestricted access to higher education.

Children.—The Government was committed to children's rights, though budget limitations and other priorities severely limited the Government's effectiveness in dealing with child welfare. In January the Government established a Committee on Protection of Children's Rights within the Ministry of Education and Science.

Education is mandatory through age 16, or the ninth grade; elementary schooling generally begins at age 6. Primary and secondary education were both free and universal. The law provides for equal access to education by both boys and girls. According to Ministry of Education figures, enrollment for the year was estimated at over 98 percent 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 of such abuse. During the year, the MVD permanently terminated custody rights of abusive parents in 1137 cases. Minors aged 16 and older have the right to file petitions related to their interests directly with a court.

In the first five months of the year, the procurator general's office issued 218 warnings, filed five lawsuits, and initiated three criminal investigations concerning violations of children's rights in orphanages, boarding schools, and detention facilities for delinquent children. NGOs reported that a growing number of children in these facilities were victims of violence.

Trafficking in girls was a problem (see section 5, Trafficking).

Child labor, prostitution and pornography were problems (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons, but it remained a problem. There was no evidence of a pattern of official complicity in trafficking, although corruption among law enforcement officials was widespread.

On March 2, the Government enacted a comprehensive set of legislative amendments to strengthen its ability to investigate, prosecute, and convict traffickers. These amendments also include provisions to increase the amount of resources devoted to victim protection and prevention. The new amendments were preceded by the adoption of a National Action Plan for 2006–2008 and represented coordination between the MOJ, and the Ministries of Internal Affairs (MIA), Foreign Affairs (MFA), Labor and Social Welfare, Education and Science, Culture, Information and Sports; the KNB; the National Commission on Family and Women; and the Procurator General, all of which have some responsibility for combating trafficking. The Government also worked closely with international organizations and local NGOs to develop the legislation. Trafficking is now punishable by a maximum seven-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.

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, but NGOs estimated there were several thousand. 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 thousands 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 (UAE), Turkey, Israel, South Korea, Greece, Russia, and Western Europe. They were trafficked from the Kyrgyz Republic, Uzbekistan, Tajikistan, and South Asia.

Traffickers targeted young women in their teens and 20s for sexual exploitation. According to the IOM, most women were recruited with promises of good jobs or marriage abroad. Travel, employment, and marriage agencies often recruited victims through advertisements promising lucrative jobs abroad. Offers to participate in international beauty contests also were used. Previously trafficked women reportedly recruited new victims personally. Many trafficking victims appeared to be aware or at least to suspect that they were going to work as prostitutes, but did not expect to work in slave-like conditions. Most trafficked persons traveled to their destinations on forged passports obtained abroad, most often from Russia or the Kyrgyz Republic.

Adolescents raised in orphanages, regardless of gender, and residents of rural and economically disadvantaged areas were particularly vulnerable to being trafficked.

Men and women were trafficked to the country for labor exploitation; children were trafficked for agricultural work. According to IOM, the number of men trafficked into the country for forced labor increased during the year. 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 during their stay in the country. Victims reported traffickers used debt bondage, violence, or threats of violence to compel them to work.

NGOs suspected organized crime was probably involved in all forms of trafficking.

Despite stronger legislation enacted during the year, some NGOs remained critical of the level of prosecutions for trafficking crimes. Prosecutions for trafficking were rare.

The MOJ reported that 18 criminal investigations related to trafficking in persons were initiated during the first eight months of the year, though only five were prosecuted. In 2005 the Government investigated 29 cases; of these, courts prosecuted by cases and convicted 13 traffickers. However, convicted traffickers regularly receive suspended sentences and do not serve any prison time. Several arrests and investigations were reported in the press.

The Government sought cooperation with authorities in both destination countries where its citizens were trafficked and in source countries of victims brought into the country. Embassies abroad assisted victims of trafficking; in 2005 the Ministry of Foreign Affairs (MFA) assisted in the repatriation of 22 citizens, down from 36 in 2004.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials, including migration and border officials, was widespread and contributed to trafficking.

In February the Government passed legislation to provide trafficking victims with temporary resident status to ensure their safe repatriation or participation in trafficking prosecutions. Trafficking victims were no longer considered illegal immigrants under the law and were not deported or otherwise penalized as such. NGOs working with foreign trafficking victims reported government cooperation in providing administrative support for repatriation of identified trafficking victims.

The Government increased its efforts to provide victim protection and assistance, though significant gaps remained in the level of assistance needed by victims. NGOs ran 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 support. In general, NGOs reported good cooperation with government officials in coordinating assistance for trafficking victims.

The 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 maintained separate national hotlines 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 MVD continued enrolling migration police in a comprehensive antitrafficking training program at the Study Center for Specialists on Combating Illegal Migration and Human Trafficking established in August 2005.

The procurator general's office enforced mandatory licensing for tourist agencies and conducted inspections throughout the year to uncover agencies involved in trafficking.

During the year 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 both 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 new National Action Plan, a chapter on trafficking in persons was introduced into the university law 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. However, there were reports that discrimination was a problem. The law mandates access to buildings for persons with disabilities, although the Government did not enforce it. In September the Government enacted new legislation allowing inspectors to check buildings for their compliance with disability ac-

cess laws and impose significant fines for noncompliance; the law takes effect in 2007.

Mentally handicapped citizens could be committed to state-run institutions without their consent or judicial review. In practice, however, persons were generally committed at a young age by their families. Institutions were poorly managed and inadequately funded. Orphanages for children with physical and mental disabilities were reported to be overcrowded and unsanitary, with insufficient staff to adequately care for children's needs. KIBHR observed that the Government provided almost no care for persons with mental disabilities due to a lack of funds.

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 people 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 (see section 3).

Kazakh is the official state language, although organizations and bodies of local self-administration may officially use Russian on an equal basis with Kazakh. Most ethnic Russians believed that Russian should be designated as a second state language. The language law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages. In reality the Government had insufficient funding available to make Kazakh language education universal.

Other Societal Abuses and Discrimination.—Although there were no press reports or official statistics on sexual orientation discrimination, there were reports of such discrimination. Representatives of international organizations reported 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 continue 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 had to apply for registration with the MOJ. The registration procedure followed largely that of other membership organizations (see section 2.b.).

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 anti-union discrimination, but in practice there were violations of this right. Members of a few trade unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. Union leaders reported that some workers who were 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. In actuality 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 could 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 approximately 80 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 not permitted. According to the law, 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.

In late September workers in a large international conglomerate's coal mines and steel plants in Karagandy Oblast held a series of strikes following the September 20 death of 41 miners in a coal mine explosion. The strikes, which ultimately encompassed thousands of workers, ended around October 5 after the company agreed to substantial pay raises, improved safety conditions, and significant monetary compensation to the accident victims' families. Although the strikes did not meet legal requirements, the workers were not penalized for striking.

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 (see section 5).

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 were permitted to perform light work that does not interfere with their health or education, with parental permission. The Government conducted labor inspections to enforce the minimum age for employment, but enforcement was uneven given inadequate resources for inspections, the vast size of the country, and poor economic conditions in rural areas.

The Government did not maintain statistics on child labor. NGOs and activists reported that child labor was used routinely in agricultural areas, especially during harvest season. 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 markets, washing cars, and working at gas stations. There were also reports of children exploited in prostitution and pornography. The Ministry of Labor (MOL) is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MVD is responsible for investigating criminal offenses. In the first nine months of the year the MOL reported 94 criminal cases involving child labor. In 2005 the Government began implementing a three-year International Labor Organization program to eliminate child labor. As part of the program, in June the Government conducted a 12-day national campaign 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 (see section 5).

e. Acceptable Conditions of Work.—The national monthly minimum wage of 9,200 tenge ($72.40) 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. The minimum subsistence wage was $70.10 (8912 KZT). During the first six months of the year, the average monthly wage was $297.20 (37,769 tenge).

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 two hours in a calendar day or one hour a day for heavy manual labor, and requires overtime to be paid at a rate of no less than 1 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, vacation days, holidays, and paid annual leave for each worker.

The Ministry of Labor enforced minimum wages, work hour restrictions, and limits on overtime established under the labor law. Ministry labor inspectors conducted random inspections of employers to enforce all laws and regulations under their purview. In spite of these random inspections, labor advocates reported that some employers regularly violated these laws.

The law provides for the right to safe and hygienic working conditions. In reality working and safety conditions in the industrial, agricultural, and construction sectors were often substandard. Workers in factories usually did not have protective clothing, such as goggles and hard hats, and worked in conditions of poor visibility and ventilation.

Management largely ignored regulations concerning occupational health and safety, which were not well enforced by the Ministry of Labor. In the first six months of the year, the ministry reported making 11,900 inspections and identifying 70,000 violations. In addition to the inspections by the ministry, unions conducted inspections of unionized enterprises. 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. Although the law does not specifically grant the right of workers to remove themselves from situations that endanger their health or safety without jeopardy to their employment, this right was considered to be implied by general legal provisions on worker safety; workers' inability to refuse to work under unsafe work conditions was not a problem in practice.

KYRGYZ REPUBLIC

The Kyrgyz Republic's new December constitution defines the country as a sovereign, unitary, democratic, social state based on the rule of law. The country has a population of approximately 5,218,000. The country has a multiparty parliamentary system and was ruled by President Kurmanbek Bakiyev, whose July 2005 election, following the March overthrow of the Akayev regime, marked tangible progress towards meeting international standards. Only a dozen out of approximately 90 registered political parties played a significant role, and no single party was dominant. On November 9, following a week-long opposition-led street protest, the country adopted a new constitution, which held out the possibility of greater checks and balances among the branches of government. On December 30, the parliament adopted a revised version of the constitution that restored many powers to the President. The new constitution envisages a greater role for political parties, with half the seats in the next parliament to be elected by party lists. The civilian authorities generally maintained effective control over the security forces, although some members committed serious human rights abuses.

The following human rights problems were reported: some restrictions on citizens' right to change their government; arbitrary or unlawful killings; disappearance of and failure to protect refugee and asylum seekers; torture and abuse by law enforcement officials; impunity; poor prison conditions; arbitrary arrest and detention; lack of judicial independence; pressure on nongovernmental organization (NGO) and opposition leaders, including physical assaults and government harassment; an increase in pressure on independent media, including assaults on staff and vandalism of property; government harassment of assembly organizers; pervasive corruption; discrimination against women, persons with disabilities, ethnic minorities and homosexuals; child abuse; child labor; and trafficking in persons.

Despite these problems, the Government's respect for human rights improved in several areas. Assistance from international organizations helped improve prison conditions in several locations and promoted the proper handling of prisoners. Tuberculosis (TB) mortality rates in prisons decreased. Local NGOs observed a reduction in incidents of military hazing among soldiers and cadets of the armed forces. During the year several Ministry of Internal Affairs (MVD) officials were dismissed or prosecuted for abuses or misconduct. The Government also took initial steps to tackle systemic corruption in the public and private sectors, although comprehensive national action was not yet taken. The Government allowed several large-scale opposition rallies.

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.

On August 6, the special forces of the National Security Service (SNB) shot and killed three persons, including Mukhammadrafiq Kamalov, imam of the largest mosque in Karasuu. Immediately following the incident, government officials said that the three were affiliated with banned the Islamic Movement of Uzbekistan (IMU) and were killed in the course of an antiterrorism operation. Kamalov's family

and observers, including the ombudsman for human rights, denied security officials' allegations about the possible involvement of the imam in religious extremist groups. Security officials later conceded that Kamalov might not have been part of the group but instead may have been kidnapped by the suspected terrorists and thus killed accidentally in the raid. On May 24, security forces detained Kamalov and searched his house on suspicion of his involvement in activities of the extremist Islamist political organization, Hizb ut Tahrir (HT).

On October 15, Aibek Alimjanov, a businessman, deputy of the Osh City Council, and the leader of the Uzbek Cultural Center in Osh, was shot and killed. The Government denied any political connections to the crime and suspected the attack was related to Alimjanov's business dealings. The Uzbek community alleged that Alimjanov was targeted because of his ethnicity and expressed concerns about the sluggish investigation. The same community addressed a letter to the President requesting his assistance in expediting a resolution to the case. An investigation into the incident continued at year's end.

There were no developments in the investigations into the April 2005 killing of Usen Kudaibergenov and the June 2005 killing of parliamentarian Jalgarbek Surabaldiyev.

At year's end the Bishkek court continued consideration of an appellate case regarding the September 2005 killing of parliamentarian Bayaman Erkinbayev. The appeal was filed by the late deputy's wife for the two defendants, Makhmudjan Ruzimetov and Sabyrkul Batyrov, who were sentenced to death in August for being accomplices to the crime. In December, Russian law enforcement agencies reported that Sultan Abalayev, a person who supposedly carried out the assassination of Erkinbayev and who was on the Interpol wanted list, was arrested in Chechnya, Russia. It was unclear if Abalayev, a Russian citizen, would be extradited for prosecution.

On August 3, N31 prison colony inmates Rustam Abdullin, Azamat Zakirov, and Yevgeniy Golovin were sentenced to death for the October 2005 killing of parliamentarian Tynychbek Akmatbayev and three other officials while they visited their prison colony near Bishkek.

There were no reports on deaths due to military hazing.

There were no developments or further information regarding the December 2005 Uzbek border guard shooting of a Kyrgyz citizen or the October 2004 death of Tashkenbay Moidinov while held in police custody.

b. Disappearance.—According to an August 23 statement by the UN High Commissioner for Refugees (UNHCR), five Uzbek citizens that had applied for asylum status disappeared in July and August, with eyewitnesses claiming in at least two of these cases that the individuals had been seized from their homes and taken away in unmarked vehicles. The Prosecutor General's Office eventually initiated an investigation into the disappearances, but only after the UNHCR publicly appealed for government action. The investigation did not produce any results, and the whereabouts of these asylum seekers remained unknown at year's end (see section 2.d.).

There were no developments and none were expected in the investigation of the 2004 two week disappearance of Tursunbek Akunov. Akunov alleged the SNB was involved. In 2005 Akunov became chairman of the State Commission on Human Rights.

Local human rights advocates continued to report that approximately 12 Kyrgyz citizens were serving sentences in Uzbek prisons after being kidnapped by Uzbek security services beginning in 2000.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police and SNB forces employed them. At times police beat detainees and prisoners to extract confessions.

In March and August 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 the Ministry of Justice (MOJ) established the Internal Security Service (ISS) to investigate and curb corruption and abuse within penitentiaries. As of December, the unit was investigating eight cases of alleged violations.

On December 5, the NGO Spravedlivost and the Osh Advocacy Center, with support of the Organization for Security and Cooperation in Europe (OSCE) Office in Osh, conducted a two-day human rights training seminar for the heads of the Osh, Jalalabad, and Batken oblast penitentiaries. The training focused on educating prison staff in protecting prisoners' human rights and establishing better relations with human rights organizations.

According to the NGO Committee of Soldiers' Mothers, military hazing steadily decreased over the preceding year. The NGO monitored various military units, recording all instances of hazing, and worked closely with military authorities to implement preventive measures. Hazing incidents reported during the year included physical abuse and money extortion by noncommissioned officers. On a quarterly basis, the NGO met with military representatives to discuss incidents of hazing and to plan activities for further improvement. According to the NGO, military authorities take every incident seriously and strive to develop measures to eliminate problems. The NGO published a quarterly magazine and aired a regular program on the National TV channel about the military service, including work and living conditions and morale of the troops. Representatives of the NGO visited military units on a regular basis, conducting interviews with soldiers and officers.

In November Freedom House reported about two border servicemen, Gairat Torakeldiyev and Erkin Kamalov, who sustained injuries from physical abuse by their peers. The Military Prosecutor's Office and the senior leadership of the National Border Service were investigating both cases.

On October 16, 143 cadets protested at the military college and refused to attend classes. According to the college authorities, the protest was organized by 10–15 informal cadet leaders who did not want to comply with the college's rigid internal disciplinary rules. They were also accused of harassing junior cadets and stealing their money and personal belongings. The college authorities conducted a meeting with parents, teachers, and cadets. The issue was reportedly resolved. Representatives of the Military Prosecutor's Office counseled those responsible for organizing the protest, hazing junior cadets, and committing other violations.

On August 5, prisoners at the Temporary Detention Center in Jalalabad rioted to protest systematic beatings by on site police officers. According to Aziza Abdurasulova, a member of the Presidential Human Rights Commission, 15 police officers admitted they beat detainees to extort confessions. The Government opened an investigation into the incident, but results were not released at year's end.

No additional information was available on the investigation of the 2005 beating of 30 inmates or on whether there was any action taken regarding the 2005 beating of a 15-year-old in a pretrial facility in Jalalabad.

During the year the attorney of an Uzbek citizen, Otabek Ahadov, filed a complaint with the UN Commission on Human Rights regarding claims of torture sustained by Ahadov in custody. Ahadov, arrested in 2000 and convicted and sentenced to death in 2002 for killing a Uighur community leader, claimed that he was severely tortured while in police custody. Ahadov claimed that while detained in the Bishkek City Police's Division of Interior in 2000, he was given psychotropic drugs and physically abused. Also in 2000, the Government's Republican Office of Forensic Medical Examination conducted a forensic medical examination that revealed that Ahadov had bruises and abrasions that could have been made during his detention.

Prison and Detention Center Conditions.—As of November, according to a department supervising penitentiary facilities (DSPI) official, there were over 16,000 prisoners.

Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care and disease prevention facilities, and lack of heat and other necessities. Morbidity and mortality rates continued to decline, particularly those resulting from TB. During the year, the number of prisoners with TB decreased from 2725 to approximately 2300 at year's end. A total of 135 prisoners died from complications due to TB, down from 159 deaths in 2005.

Pretrial detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons.

The NGO Ray of Solomon renovated cells, hallways, and recreation grounds to improve conditions at the pretrial detention center in Osh.

On January 9, the President signed a law reforming the penitentiary system. The law outlines rules of employment, enrollment requirements, criteria for promotion, and benefits for penitentiary staff. Starting April 1, salaries of penitentiary facilities staff increased 30 percent, and during the year approximately 200 workers participated in training exercises focusing on the psychological aspects of dealing with prisoners, especially in crisis situations such as riots. On March 10, the Government also adopted the Ymyt national program to reform the penitentiary system by 2010 and bring legislation into compliance with international human rights standards.

During the year the Government and NGOs conducted roundtable discussions on penal reform, specifically addressing mitigation of punishment for minor crimes or alternative methods of punishment in lieu of incarceration. In August, with OSCE support, the Government established an independent monitoring group for two southern provinces that included local government and NGO representatives and

doctors. By year's end the group had visited penitentiaries in Osh and Jalalabad and prepared a report for the MOJ.

Unlike the previous year, no prison deaths due to negligence or violence were reported. There were no further developments in the October and November 2005 deaths of five prisoners at the N31 prison colony and the November 2005 deaths of two prisoners at prison colony #8 during prison riots and subsequent police raids on the facilities.

During the year, prisoners protested at a number of penitentiaries throughout the country. The protests were mainly brought on by the lack of food and medical care that affected the wellbeing of prisoners in several penitentiaries. Local NGOs likewise reported that the basic rights of prisoners were violated.

On December 9, female and teenage prisoners of the N14 colony's pretrial detention center rioted and attempted to commit suicide by slitting their wrists. The protest was reportedly to publicize the poor living conditions and a lack of proper medicine. However, the DSPI stated that the riot was instigated by drug-dependent detainees following recent administrative operations that restricted the flow of illicit drugs into the prison. The prisoners submitted demands to the administration including more movement around the facility and a loosening of some restrictions. The conflict was peacefully resolved.

In April the Ombudsman's Office reported that three detainees of the Temporary Detention Center in Naryn attempted suicide by slitting their wrists, to protest the use of force during interrogations. By year's end the Government has not provided a response.

Authorities held 165 prisoners facing the death sentence in 16 cells in the basements of pretrial centers in Bishkek and Osh; since 1998 there has been a moratorium on the implementation of the death penalty. According to law, no more than two prisoners per cell are authorized; however, 10 death penalty convicts were being held per cell.

The Government continued to permit domestic and international human rights observers to visit prisons. The International Committee for the Red Cross was allowed to visit detainees in MOJ and SNB prisons and pretrial detention centers and was granted access to inmates on death row.

On March 10, the DSPI, the MOJ, and the Swiss NGO Doctors without Borders signed a memorandum to implement measures aimed at reducing TB outbreaks within the prison population of two penitentiaries. At the beginning of the year there were 2,725 prisoners with various forms of TB.

According to an August International Crisis Group (ICG) report, the majority of prisoners were under tight control of criminal leaders who enforced a caste system inherited from the former Soviet Union. Corruption was rife and human rights violations widespread among prison officials. According to the ICG, HIV/AIDS and TB infection rates among inmates were higher than in the general population.

According to the department supervising penitentiary facilities, there were 102 prisoners with HIV out of approximately 16,000 prisoners.

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.

Role of the Police and Security Apparatus.—Law enforcement responsibilities are divided between the MVD for general crime, the SNB 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 July 2005 government decree that increased police officers' salaries by 50 percent. On December 8, Kurmanbek Joroyev, the head of the National Agency for Corruption Prevention, blamed law enforcement officials for not taking active measures to fight corruption.

Police impunity remained a problem; however, during the year numerous MVD officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. According to the Ministry of Interior, during the first eleven months of the year police uncovered 1,557 cases of economic crimes and other illegal activity committed by government officials. The report listed 300 cases of abuse of power, 198 cases of bribe taking, 83 cases of negligence of official duties and fraud, and 478 cases of embezzlement. At year's end 352 officials had been prosecuted.

Arrest and Detention.—The Prosecutor General's Office determines who may be detained, arrested, and prosecuted. An arrest warrant from the Prosecutor's Office is required to detain an individual, and there were no reports that this provision was abused. 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. At year's end 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 at times 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.

On September 9, the President signed the law on witness protection. The law sets out a system of state protection for witnesses, victims, and other participants in criminal trials. Under this law, testimony from witnesses and other trial participants will also carry greater weight both in the investigation and in court proceedings. Observers believed the law would increase witnesses' willingness to testify. According to the NGO Golden Goal, up to 80 percent of witnesses refused to give evidence for fear of retaliation by the accused.

The Government continued to express concern about perceived extremist groups with radical religious or political agendas. During the year security forces detained persons on charges related to activities connected to the banned extremist Islamist political organization HT and initiated criminal cases, mostly for possession of or disseminating leaflets and booklets of an extremist nature. 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 in Central Asia, to be replaced with a worldwide Islamic government called the caliphate (see section 2.a. and 2.b.). During the year law enforcement agencies arrested a number of members of religious parties for possessing or distributing religious literature; in almost all cases, it was reported that they possessed munitions in addition to religious literature. On September 2, Rasul Ahunov, a leader of the Islamic Party of Turkestan, was killed by authorities during a security operation.

The prosecutor has the discretion to hold suspects in pretrial detention for as long as one year, after which the prosecutor is required to release the suspect. There were no known instances in which the parliament was asked to extend a detention.

During the demonstrations in early November, police temporarily detained approximately 600 participants of the rally under suspicion that the demonstrators had been paid and ordered to create civil unrest. They were released after their identities were checked and fingerprints taken.

On November 9, Bakyt Kalpekov, an activist of the Ata-Meken opposition party, was taken into custody by security forces and charged with assaulting the deputy director of the National TV Company during the November rally. Even though he was released on bail two days later, the courts ordered him back into detention pending the outcome of his court case.

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. Civilians 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 since many are located 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 new constitution, the President will nominate, and parliament approve, justices to the Supreme Court and the Constitutional Court. The President can propose the dismissal of supreme and Constitutional Court justices, subject to parliament's approval. The National Council for Judicial Affairs (NCJA) will nominate, the President appoint, and parliament approve local judges. Local judges can be relieved of duty by the President at the proposal of the NCJA. The NCJA will consist of representatives of legislative, executive, and judicial branches of power and civic society.

During the year the President and other high-level officials spoke of the need for judicial reforms to strengthen the independence of the judiciary system. By year's end a program of judiciary reform was developed but not yet adopted.

Trial Procedures.—Prosecutors bring cases before courts and judges direct criminal proceedings. A prosecutor participating in a trial is called the state prosecutor—his/her role is to maintain the indictment at all stages of the criminal process. The defendant's attorney defends the rights and interests of the defendant. The defendant may refuse attorney support and defend himself/herself. 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 operate in many cases according to Soviet laws and procedures 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. Although official permission for such visits is required, it was 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.

The law does not provide 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.

Military courts and elders' courts follow the same rules and procedures as general courts.

In February, following the demands of the opposition, the Supreme Court revisited the court decision on the Aksy events of March 2002, when five protesters were killed by government forces. The case was reopened because of allegations that the previous court decision was unfair. In 2004 the Supreme Court upheld the local court decision acquitting several officials of giving the order to shoot at the protesters. In August the prosecutor general stated that his office was also reinvestigating the Aksy case to determine who the culprits were. By year's end no results for either investigation had been announced.

On March 27, more than 20 prisoners on death row sent an appeal to the President, claiming that their cases were fabricated by the previous government and requesting their convictions be reexamined. At year's end the Government had not publicly responded to this appeal.

Two citizens of Uzbekistan, detained in 2003 for allegedly conducting terrorist actions in the Oberon Market in Bishkek and the Bakai Bank in Osh, were placed on death row. Many NGOs claimed that they did not receive a fair trial because their cases were not fully investigated by the authorities.

Political Prisoners and Detainees.—Since the change of the Government in March 2005, there were no political detentions. There were no reports of political prisoners or detainees.

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 which 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 general prosecutor approval for wiretaps, home searches, mail interception, and similar acts.

Opposition leader and member of parliament Melis Eshimkanov reported that his car was followed by security forces on September 9 in Bishkek. SNB officials admitted that security service agents followed his car but claimed that their target was Eshimkanov's driver, who was suspected of being involved in unknown criminal activities. Later in September, Eshimkanov reported harassment of his friends and relatives by law enforcement agents, as well as attempts by local officials to initiate a campaign to remove him from parliament.

The Government continued to conduct widespread document checks of some foreigners of all nationalities.

Family law prohibits divorce during pregnancy and while a child is younger than one year of age.

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 there were notable improvements after the March 2005 departure of Akayev, the Government at times restricted these rights in practice. After the March 2005 change of government, National TV offered airtime to various politicians, lawsuits against independent media decreased, and independent media experienced new, albeit limited, freedom of operations and news coverage. During the year reports continued that politicians critical of the Bakiyev government were not allowed on National TV. Despite such reports, however, critics had received air time.

While the law provides for freedom of speech and the press, there were reports of harassment that were characterized as reprisal for criticizing the Government. The MVD reported that 158 persons were detained or prosecuted during the year for distribution or possession of HT literature; those arrested typically were charged for distribution of literature inciting ethnic, racial, or religious hatred.

There were approximately 40 to 50 regularly printed newspapers and magazines, eight of which were state owned, with varying degrees of independence. Although the state printing house, Uchkun, was the primary newspaper publisher in the country, an independent printing press run by the nongovernmental Media Support Center (MSC) provided an alternative to state owned printing presses. Approximately 50 television and radio stations operated in the country, with two television stations broadcasting nationwide: government TV and Radio Company (GTRK) and the People's TV and Radio (E1TR).

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 TV and Radio Company, a member-funded Commonwealth of Independent States (CIS) television station network, was increasing 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.

During the year ownership of major private television stations was challenged by new political and business leaders, through buyouts or in courts, which resulted in a change of political orientation of some channels, including Kyrgyz Public Education TV (KOORT), Independent Bishkek TV (NBT), and New Television Network (NTS), and the closing of another (Pyramida). Beginning in March 2005, Pyramida became the target of numerous attacks that aimed to disable its broadcast capabilities. These attacks were widely believed to be politically motivated due to the nature of the station's reporting, which was supportive of the opposition and critical of the President. In September unknown assailants physically assaulted several staff members and torched the television station, causing over $200,000 in damages. At year's end the attackers had not been identified, and there was no government response. There was also a fight over ownership of Pyramida between Adylbek Biynazarov, President and owner of 45 percent of the firm's stock, and InvestMedia. Pyramida television broadcasts were limited to UHF when the two sides went to court. At year's end court proceedings for ownership of Pyramida TV ended, but the outcome was not made public; Pyramida TV also resumed broadcasting on VHF.

Unknown individuals cut power to NTS' antennae in Bishkek and Osh during its coverage of the opposition-led demonstrations in November. Although armed guards and generators quickly restored broadcasts from the Bishkek antenna, the southern antenna, rented from the Government, had not resumed operations at year's end.

In September the President vetoed two parliamentary bills: "On National Television and Radio Corporation" that proposed making GTRK a public broadcaster, and a second bill that proposed wider and more balanced media coverage of the parliament.

On November 14, the President signed a decree setting up a supervisory board for GTRK that would comprise equal numbers of Presidential representatives, parliamentarians, and GTRK employees. Opposition parliamentarians claimed that the November 9 constitutional amendments give parliament the right to reform the GTRK without consulting the President and that the director of GTRK should be appointed by the Prime Minister, not the President. The issue was not resolved at year's end.

All media were required to register with the MOJ and receive ministry approval to operate. The media law states that registration should take no longer than one 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. During the year no new television or radio licenses were granted. New licensing/frequency distribution procedures were being reviewed by the Government.

At year's end the Government had not implemented its 2005 plan to privatize state-owned media. 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 GTRK aired a program on September 17 that called for the removal of some opposition deputies, including Dooronbek Sadyrbayev and Azimbek Beknazarov.

Although the GTRK initially was to become a public broadcaster, in November 2005 the Government announced that it would instead turn GTRK's southern branch, then called Osh3000, into a public broadcaster. The new broadcaster, dubbed ElTR, started operating in December 2005, although it did not have a separate channel. ElTR continued to depend on the GTRK for its national broadcasting, and the Government appointed E1TR's board of directors and senior management. Although officially a public broadcaster, E1TR did not operate independently of the Government.

In May the Government cut off independent channel NTS' broadcasts to regions outside of Bishkek allegedly to give the transmission frequency to public broadcaster ElTR. ElTR never used the channel and NTS never resumed its nationwide broadcast.

During the year harassment of journalists decreased, although unknown persons continued to intimidate members of the media. NTS's general manager, possibly in connection with NTS's live broadcast of the opposition-led demonstrations in November, was summoned by the SNB. The general manager's house was robbed soon after the November demonstrations ended.

The Government used law enforcement agencies and state run media to intimidate independent media. Sever-Elektro, a state-owned electric power company, filed a slander suit against the opposition newspaper Agym. The owner of Agym, member of parliament Melis Eshimkanov, stated that Sever-Elektro's claim was an attempt to close down Agym's operations by potentially bankrupting the newspaper.

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. The Government continued to interfere in the newspapers' editorial policies, in some cases replacing editors with government appointed individuals.

Libel remains a criminal offense punishable by up to three years in prison. In May President Bakiyev submitted a bill to decriminalize libel; at year's end parliament had not passed it.

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 could engage in peaceful expression of views via the Internet, including by electronic mail. During the opposition-led demonstrations in November, numerous Internet sources complained about attempts made by hackers to disrupt their broadcasts. At year's end there were no new developments regarding the Gazeta.kg case.

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.

Throughout the year opposition and progovernment groups held a number of demonstrations and rallies throughout the country. Between January and August, 164 rallies were held in Bishkek, 83 of which focused on political demands, while 81 focused on socioeconomic demands. Law enforcement authorities provided security for many of these demonstrations. There were no reported cases of the Government attempting to prevent demonstrations from occurring; however, authorities tried to place certain restrictions on the right to assemble. On April 6, the Bishkek Mayor's Office issued a decree stating that all rallies and demonstrations could be held only within preapproved locations.

Before a mass opposition demonstration on April 29, the Government used law enforcement agencies to threaten and dissuade opposition members and leaders from participating in the demonstration. On the day of the demonstration, approximately 3,500 police and national guard troops surrounded the main Ala Too square in Bishkek, where approximately 7,000 persons were gathered demanding that the Government reform the constitution and combat corruption; however, the demonstrators were allowed to protest peacefully and there were no reports of police harassment or violence.

On May 26, authorities in Jalalabad refused to provide the necessary permits, because of a technicality, to the Uzbek Cultural Center in Jalalabad to hold a rally to promote Uzbek as an official state language.

On June 25, police used tear gas to end election related clashes in the south. Several persons were injured when supporters of Mamat Orozbayev and Sanzharbek Kadyraliyev began throwing rocks and Molotov cocktails at each other and exchanged gunfire in the southern town of Uzgen (see section 3).

On September 17, an opposition rally took place without government interference in the southern city of Aksy. There were reports, however, that the Government attempted to limit participation at the rally by spreading rumors, through the state-owned press, that the event had been canceled. Additionally, some participants claimed that the rally was infiltrated by progovernment supporters who attempted to intimidate opposition supporters verbally. Despite these claims, the event took place without incident.

In August police detained a small group of land squatters who were demonstrating in front of the Lenin District State Administration building in Bishkek. The police did not employ any aggressive tactics to detain the demonstrators, who were released soon after their detention, there were reports of skirmishes between opposing groups of demonstrators at the demonstration site. No casualties were reported and the Government did not issue any response to the incident.

From November 2 through 8, thousands of opposition protesters held mass demonstrations calling for the Government to implement reforms or to step down. At one point, demonstrators peacefully occupied an administrative building in a suburb of Bishkek. The demonstrations were largely peaceful except for some altercations between opposition and progovernment protestors; law enforcement officials used tear gas to halt the violence and responded appropriately and generally respected freedom of assembly.

On March 31, the supporters of a well known criminal leader gathered in front of parliament and demanded the resignation of the Prime Minister, blaming him for the death of the crime boss' brother. Despite the disruption, there were no reports of the authorities attempting to block the demonstration, nor were there reports of any acts of violence during the rally.

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 NGOs. 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. During the year the MOJ reregistered the Kyrgyz Human Rights Committee. The law prohibits activities of foreign political parties and NGOs, including their representative offices and branches, from pursuing political goals (see section 3).

The Government continued its ban of 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 (see section 2.a.). Most arrests of alleged extremists occurred in the south and involved ethnic Uzbeks. The majority of those arrested typically were charged with distribution of literature inciting ethnic, racial, or religious hatred.

On January 9, the President signed amendments that provide for financial compensation to individuals undergoing physical rehabilitation and to those who suffered politically motivated labor or social rights violations.

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 extremists and a threat to the country. Islam is the most widely practiced faith.

The State Agency for Religious Affairs (SARA)—called the State Commission on Religious Affairs, or SCRA, until November 2005—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 SARA moved its headquarters to the southern city of 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, except for the Hare Krishnas, who continued to have difficulties. Since 1996 SARA has registered 270 religious groups and nearly 1,200 foreign citizens as religious missionaries.

In December 2005 the Church of Jesus Christ of Latter-day Saints reported ongoing problems in its efforts to register with SARA; the church had not been registered at year's end, and its application was pending its response to SARA's request for additional information. The church initially submitted its application for registration in August 2004.

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 one month on average, but in the past it sometimes took up to 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. During the year no incidents of domestic or foreign security services monitoring worshipers at mosques were reported. On August 6, SNB agents followed and killed Muhammadrafiq Kamalov, the imam of Karasuu's largest mosque, as well as two other alleged extremists who were riding in the same car (see section 1.a.).

Law enforcement authorities, including the MVD and the SNB, often played a role in investigating religious organizations and resolving interreligious disputes. Representatives of smaller churches, such as the Church of Jesus Christ, complained of government attempts to hamper their activities in the past. During the year the police detained 158 persons for religious activity and opened criminal cases regarding most of these detainees. There were 162 HT related cases reported during the year (see section 2.a.).

Missionary groups of various religious organizations operated freely, although they are required to register with the Government.

In December 2005 the Jalalabad City Education Department banned the wearing of hijabs or headscarves in that city's schools. Several parents protested the move and demanded that the ban be lifted. In May, following intervention by the State Muftiate, the ban was lifted for a short period of time before it was re-enacted at several schools. It continued to be in effect at year's end. According to the NGO Spravedlivost's lawyer, at year's end the city education administration still banned scarves at schools, arguing it was part of the school uniform regulations.

The Government forbids the teaching of religion (or atheism) in public schools, but the State Muftiate has called for the introduction of religious studies into the school curriculum as a possible antidote to religious extremism.

Societal Abuse and Discrimination.—In July a group of citizens attacked Zulumbek Sarygulov, a Protestant pastor in Osh, vandalized his home, and burned his religious books. The incident was reported to be under investigation, but no further information was available from the Government at year's end.

During the year a local lawyer, who often represented Protestant churches, expressed concern regarding increasing pressure from Muslims and asserted that the authorities may be tacitly condoning such pressure.

In February 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 gathered and demanded that ethnic Dungan families immediately leave and resettle elsewhere. Shots were reportedly fired from a car, sparking violence as the crowd hurled stones and burned houses owned by ethnic Dungans. Four ethnic Dungan men were detained and charged with illegal possession of weapons and attempted murder. The men were released and all charges dropped. Criminal cases were opened against some ethnic Kyrgyz who participated in the destruction of houses belonging to ethnic Dungans.

During the year there were no acts of violence, harassment, or vandalism reported against the Jewish community, its institutions, schools, synagogues, or cemeteries; however, there was some isolated anti-Semitism in the media. The President of the Jewish Cultural Center stated that he was concerned about harassment of worshippers coming to the center by one local resident, and he was frustrated with the lack of action on the part of the authorities. The leader of the center did not report any other incidents of anti-Semitism. Approximately 3,000 Jews lived in the country.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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. The International Organization for Migration (IOM) confirmed reports of authorities detaining and fining individuals without residence registration.

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 hometowns, and consequently had limited access to subsidized healthcare.

The law on migration prohibits travel abroad of citizens who had access to information classified as state secrets. The delay in issuance of new passports continued to be a problem, although the Government made several attempts to resolve the matter. According to media reports, corruption impeded passport issuance reform. As a result, citizens continued to experience difficulties traveling internally and internationally.

The law does not provide for or prohibit forced exile, and there were no reports that the Government employed it in practice.

In the summer authorities introduced a passport control system throughout the southern provinces to fight terrorism. Public information regarding the control system was limited, resulting in many citizens being detained for hours for not carrying proper identification while trying to cross the border. The passport control system was in effect for several months at the southern borders only and was no longer in effect at year's end. In June mass searches were conducted by law enforcement agencies in the Bazar Korgon district of Jalalabad Oblast.

According to the MVD, only 45 individuals were officially registered as stateless. The most recent 1999 census indicated there were 13,000 stateless persons in the country.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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. Although the Government at times cooperated with the office of the UN High Commissioner

for Human Rights 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, nor did it adequately protect such individuals.

On August 9, the Government forcibly returned four registered refugees and one asylum seeker to Uzbekistan. These five Uzbek citizens were part of the larger group of refugees who fled Andijan, Uzbekistan, in May 2005; the rest of the group was eventually resettled in third countries. While UNHCR voiced publicly its concern regarding the forced repatriation of the four Uzbek refugees and one asylum seeker, the Government defended its action. On August 10, an official from the Prosecutor General's Office issued a statement acknowledging that the Government had returned the five to Uzbek authorities in compliance with bilateral agreements. He also stated that his office had received written assurances from the Government of Uzbekistan that the individuals' rights would be observed during the litigation process. In November Uzbek authorities announced that the investigations were complete and the cases had been forwarded to the courts.

Over July and August, an additional five registered Uzbek asylum seekers were reported missing, with eyewitnesses claiming in at least two of these cases that the individuals had been seized from their homes and taken away in unmarked vehicles. An investigation into their disappearance was eventually initiated by the Prosecutor General's Office, but only after UNHCR publicly appealed for government action. The investigation did not produce any results, and the whereabouts of these asylum seekers remained unknown at year's end. In September, out of concern for their safety, the UNHCR advised refugee and asylum seekers to move north away from the Kyrgyz Uzbek border. In November NGOs reported that Israil Khaldarov, one of the five Uzbek refugees who disappeared from Kyrgyzstan, was found in an Andijan prison.

There were no refugee camps for Uzbek citizens operating in Kyrgyzstan. The media and some NGOs reported that Uzbek refugees continue to hide in Kyrgyzstan for fear of persecution by the Uzbek authorities. The number of current refugees was not available at year's end.

As with Uzbek asylum seekers, the Government continued to deny Chechen refugees official refugee status but granted them asylum seeker status if they qualified 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.

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, the Government made progress in respecting citizens' ability to do so. Under the constitution in effect until November 9, the President could veto any legislative act and dissolve the legislature and dismiss members of the Government; the President also had immunity after leaving office. The parliament could override Presidential vetoes, which it occasionally did in the past. On November 8, parliament passed amendments to the constitution, which the President signed into effect on November 9. The new constitution shifted several powers from the President to parliament and provided the possibility for an improved system of checks and balances between the branches of government. Parliament would be increased from 75 to 90 members with half elected by party lists; the majority party, not the President, would choose the Prime Minister and form the Government, although the President could still dismiss ministers. All ministries, including the SNB, would report to the Prime Minister rather than the President. The President's ability to dissolve parliament was diminished, while parliament's ability to impeach the President was enhanced. The President could no longer extend his tenure or be re elected via constitutional changes. On December 30, parliament voted to adopt a new version of the constitution that restored certain powers to the President lost in the November 9 constitution, to include nomination of constitutional and Supreme Court judges, appointment and dismissal of regional governors and the heads of local administrations, and control over defense and security bodies.

During the year there were cases of government harassment of members of the political opposition.

Following the November opposition-led demonstrations, opposition members and sympathizers noted increased government harassment by way of heightened scrutiny by the SNB and tax authorities.

On November 12, two grenades were thrown into the house of opposition parliamentarian Isa Omurkulov. No casualties were reported. The Government opened a

criminal investigation into the case. At year's end no results of the investigation were available.

On November 9, security forces detained Ata-Meken party activist Bakyt Kalpekov and charged him with assaulting the deputy director of the National Television station during the opposition-led demonstrations in November. Although he was released on bail a few days later, he was sent back to jail under court order, pending trial.

On November 30, head of the NGO Coalition for Democracy and Civil Society Edil Baisalov was physically assaulted by an unknown assailant in Osh. On April 12, Baisalov was attacked by another unknown assailant in Bishkek and sustained head injuries. The investigations into both incidents continued at year's end. Baisalov claimed publicly that each attack was related to his political activities.

On December 1, the spouse of opposition member Omurbek Abdrakhmanov was detained and questioned by the financial police under charges of tax evasion. Only after opposition parliamentarians came to her aid and the detention attempt was made public was she released. The Government proceeded with an investigation, and the case against her continued at year's end.

Elections and Political Participation.—Following former President Akayev's March 2005 departure from government, Prime Minister Kurmanbek Bakiyev assumed the interim presidency. He was elected President in July 2005 in an election the OSCE reported marked tangible progress towards international standards. Fundamental civil and political rights, such as the freedom of expression and the freedom of assembly, were generally respected leading up to the election, 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 breached legal provisions. 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 parliamentary by elections were held in five districts: the Kadamjaiskiy, Kurshabskiy, and Balykchinskiy districts on April 9, the Mailysuu District on May 14, and the Myrzaakinsky District on October 29. In Kurshabsky, voting results were heavily contested, resulting in a revote at several polling stations. During the June 25 revoting several persons were injured when supporters of Mamat Orozbayev and Sanzharbek Kadyraliyev began throwing rocks and Molotov cocktails at each other and exchanged gunfire in the southern town of Uzgen. Police used tear gas to end the clashes, and local authorities were forced to close the polling station and suspend the vote. In October the Central Election Committee (CEC) endorsed only those votes that were made at CEC-validated polling stations. As a result, Sanzharbek Kadyraliyev was recognized as the winner. In other districts, the voting was not associated with any significant irregularities or disturbances.

During the February 2005 parliamentary election, individuals and parties could stand for election. However, the Government infringed the right of opposition parties to seek votes and publicize views by restricting the availability of meeting places, limiting air time on state television, and running negative stories about opposition candidates in state-controlled media. The Alga Kyrgyzstan progovernmental party enjoyed the Government's support during the electoral campaign.

After March 2005 the political party landscape changed significantly. Out of nearly 90 registered political parties, only a dozen were active, and no single party was dominant. Many government officials were affiliated with progovernmental parties; no opposition party representatives were in the cabinet.

On September 6, Polish authorities detained parliamentarian Omurbek Tekebayev at the Warsaw airport because of an Interpol tip that Tekebayev was transporting illegal drugs. Authorities found illegal drugs in his luggage, but Tekebayev asserted his innocence. Tekebayev and opposition leaders asserted government involvement. On September 8, a Polish court released Tekebayev due to a lack of evidence. A number of pro-opposition politicians suggested that President Bakiyev's brother and first deputy chairman of the SNB, Janysh Bakiyev, was involved in planting the drugs in Tekebayev's luggage. President Bakiyev dismissed his brother and also accepted the resignation of the SNB Chairman Busurmankul Tabaldiyev. Separate parliamentary and state commissions, as well as the Office of the Prosecutor General, opened investigations into the case. On September 21, the parliamentary commission ruled that the SNB set up the incident to compromise Tekebayev's reputation as an opposition leader.

On February 15, member of parliament Kubatbek Baibolov gave a press conference at which he said that law enforcement organs began a black public relations campaign against him. According to Baibolov's opponents in the Government, he was responsible for spreading leaflets with instructions for overthrowing the Government. No proof linking Baibolov to such leaflets was found. Baibolov believed he

was singled out because of his involvement in politics and because he was widely considered to be a potential candidate for speaker of parliament.

There were no women in the 75 seat legislature. Women held several high level government posts, including chief justice of the Constitutional Court, the chair of the State Committee on Migration and Employment Issues, and chair of the Social Fund. In November parliament voted against a government-initiated draft law stipulating that at least 30 percent of ministerial positions be held by women.

There were 12 members of four minorities represented in the 75 seat legislature. Russians and Uzbeks, the two largest ethnic minority groups, remained underrepresented in government positions. Members of minority groups held top posts, including the minister of labor and social protection and chair of the Social Fund. 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. During the year the Government took limited steps to address the problem including reports of arrests of government officials on corruption charges. In 2005 the Government established the Agency for Preventing Corruption and the National Council for Fighting Corruption. During the year the agency conducted a nationwide survey of corruption within government agencies. Based on the results of the study, it released a list of the most corrupt governmental bodies. The list included tax and customs agencies, law enforcement bodies, courts, and agencies controlling construction and the issuance of business licenses.

According to the MVD, 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 MVD reported that criminal charges were filed against 352 government officials as a result. On August 7, the President signed a new anti-money laundering law.

Even though there were press reports about arrests on corruption charges, no convictions were reported. During the year the National Agency for Corruption Prevention received more than 800 complaints about corruption in government offices, conducted preliminary probes into each one, and forwarded cases to the Prosecutor's Office for prosecution. However, no significant action was taken. In September Parliamentarian Iskhak Masaliyev, addressing the International Business Council, stated the country lacks the political will essential in fighting corruption.

Tax authorities released to the media a list of officials who did not submit income declarations. However, there were no reports of any action taken against officials that failed to comply with the income disclosure law.

Following the 2005 change of government, a special commission was established to identify assets that had belonged to former President Akayev and his entourage. After the results of the commission were released, the Office of the Prosecutor General launched more than 100 investigations to assess the legality of these acquisitions and businesses. The investigations continued at year's end.

The law gives persons the right to request information from the Government. The Government generally complied with such requests but sometimes took a long time to do so. In October General Prosecutor Kanbaraly Kongantiyev issued an internal regulation forbidding the prosecutor's staff from sharing official information with the media, NGOs, or individuals. According to the regulation, official information can be released only upon approval of the general prosecutor, through his press service.

On November 14, parliament adopted a freedom of information law that was initiated by the President. The law grants broad access to information that has not been deemed by the Government to be either commercially sensitive or a state secret.

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

The Bakiyev government made significant efforts to reach out to human rights groups and civil society in general. However, during the year harassment and pressure by law enforcement agencies and unknown persons on human rights activists increased.

According to local NGO leaders, the following major human rights NGOs operated independently: Citizens Against Corruption, Coalition for Democracy and Civil Society, Kylym Shamy, Adilet Legal Clinic, Spravedlivost, Foundation for Tolerance International, Association of Centers of Support for Civil Society, Interbilim, and the Bureau of Human Rights.

In March Jalalabad local police filed a case against well known human rights activists Valentina Gritsenko, Abdumalik Sharipov, and Mukhamdjan Abdujaparov, employees of the NGO Spravedlivost NGO headed by Valeriy Uleyev, claiming they

published false information about the police during the year. The case continued at year's end.

Representatives of the NGO Civil Society Against Corruption reported that on several occasions between March and October their office was broken into and searched by unknown persons who copied their computer files, which was confirmed by a computer expert's investigation. Several affiliate offices of the NGO Coalition For Democracy and Civil Society reported harassment and attempts to disrupt their activities by local authorities.

In 2005 the Jety-Oguz District Court ordered the removal of the Issy-kul-based NGO Karek from an office previously claimed by the NGO. Karek immediately appealed the court's decision, and on October 17 the Interdistrict Court revised the District Court's verdict ruling in favor of Karek's claim. The plaintiff continued to contest the interdistrict court's decision and contended that the office space was improperly acquired. By year's end the Issyku-Kul Oblast Arbitrary Court supported the interdistrict court's decision and issued a verdict in favor of Karek's claim.

In September 2005 human rights activist Aziza Abdrasulova and her family received threatening phone calls, and her husband was beaten in connection with her support of protesting railway workers. According to Abdrasulova, she and her husband filed complaints and spoke to an investigator, but no official investigation was opened. At year's end no further developments were expected in the case.

In December 2005 the Government filed slander charges against Maxim Kuleshov, leader of human rights NGO Peace, Light and Culture and coordinator of the resource center in Tokmok. The case was initiated after Kuleshov filed a lawsuit against police officers for interrupting a December 2005 peaceful rally in Tokmok against torture in penitentiary facilities. Early in the year a police officer filed a lawsuit against Kuleshov for slander because the police denied that torture had ever been used in penitentiary facilities. This case was closed by the end of February because the plaintiff failed to appear in court three times, which enabled the judge to close the case. On December 13, 2005, the city prosecutor closed the case that was opened on December 2, 2005, due to a lack of evidence.

During the year foreign funded NGOs were generally able to pursue their work free from government interference. However, the Government attempted to restrict the activities of and intimidate some local foreign funded NGOs. Government interference into the activities of foreign funded NGOs increased slightly after the SNB claimed, at the beginning of the year, that local NGOs were working in the interest of foreign donors. On January 24, Minister of Justice Marat Kaipov publicly instructed the ministry's registration department to launch an investigation of all NGOs operating in the country that receive foreign funding. In a speech to senior Justice Ministry staff, Minister Kaipov specifically called on the registration department to determine which NGOs funded from abroad might threaten national security and implied that government support should go to those NGOs that advanced the country's development. Government officials later said no NGO investigations would take place and it was a misunderstanding attributable to a bad translation. While no local NGOs reported any attempts by the Government to investigate their activities, the General Prosecutor's Office launched an investigation in November into the local activities of the National Democratic Institute, the International Republican Institute, and the International Foundation for Election Systems. The results of these investigations were pending at year's end.

During the year state owned and progovernment media outlets also frequently published articles criticizing foreign funded NGOs, calling for a halt to their activities (see section 2.b.) and the Government used law enforcement agencies to threaten and intimidate NGOs. In July the Government expelled foreign diplomats allegedly for conduct incompatible with their diplomatic status; observers believed the Government was unhappy with the diplomats' contact with NGOs and opposition members.

The Government generally cooperated with the numerous international organizations that reported on human rights problems in the country.

The Government generally cooperated with international organizations and permitted visits by UN representatives and other organizations, including the OSCE, International Committee of the Red Cross, and IOM.

The ombudsman's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs, and it has the authority to recommend cases to courts for review. The Ombudsman's Office actively advocated for individual rights. The Ombudsman's Office claimed that after the March 2005 events, the number of complaints grew to 62,012. By year's end the Ombudsman's Office received 11,937 appeals, most having to do with land ownership issues and official corruption. The Ombudsman's Office confirmed that in a number of cases its advocacy was effective in reversing court verdicts against complainants.

The parliamentary Committee on Constitutional Law, State Structure, Legality, Court, Judiciary Reform, and Human Rights drafts or reviews legislation affecting human rights before it goes before the full parliament for approval. The committee also reviews all draft legislation that has a human rights component. In addition, the Democratic Security Council under the President is nominally tasked with protecting human rights in the country; however, it remained relatively inactive during the year.

The Presidential State Commission on Human Rights' responsibilities included 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. At year's end the commission had not yet published its report.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, although 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 249 reported crimes committed against women as of October 1; 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 also 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 239 registered cases of rape, the majority of which were sent to court. Actual figures were believed to be significantly higher; NGOs estimated the number 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 has been used commonly to curtail investigations against individuals charged with rape.

Although prohibited by law, rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage. During the year there were 10 reported cases of forced marriage, but the actual figure may have been much higher. Cultural traditions discouraged victims from going to the authorities. NGOs maintained 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. The MOI provided free-of-charge office space for the IOM-sponsored hotline staff. The IOM also initiated a countrywide antitrafficking information campaign, including awareness advertisements on television, radio, and billboards.

Prostitution is not a crime, although the operation of brothels, pimping, and recruiting persons into prostitution is illegal, with penalties of up to five years. With no legal measures in place to regulate the industry, it was an ongoing problem. NGOs that defended prostitute's rights, including the NGO Tais-Plus, continued to advocate for legal protection for prostitutes' rights.

Trafficking in women for the purpose of sexual exploitation and forced labor was a problem (see section 5, Trafficking).

According to an expert at the local NGO Shans, sexual harassment is prohibited by law; however, 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 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 basic needs for shelter, food, and clothing fully. In September 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 nine 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 that 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 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 2005–06 76,100, or 6.8 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, such as 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 the textbooks. At the beginning of the academic year, the Government initiated a program that provided all public schoolchildren with free textbooks. According to experts in the field, the program was not completely successful because some schoolchildren throughout the country still had to purchase books.

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 (see section 2.d.).

Child abuse, including beatings, child labor, and sexual exploitation continued to be a problem.

Underage marriage was not a significant problem in the country. The practice of bride kidnapping remained a concern, with two underage abductions reported during the year. Criminal cases were opened on both cases. Information on the outcome of those investigations was not available at year's end. Children ages 16 and 17 may legally marry with local authority consent, although marriage before age 16 is prohibited under all circumstances.

Trafficking of children for the purposes of sexual exploitation and labor remained a problem (see section 5, Trafficking).

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 (see section 6.d.). According to UNICEF, approximately 4 percent of the country's children aged 5 to 14 years were engaged in child labor.

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, which led 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. Street children were detained by police and either sent home (if an address was known) or to a rehabilitation center or orphanage. The two MVD maintained rehabilitation centers, one each in Bishkek and Osh, continued to lack sufficient food, clothes, and medicine and remained in poor condition. According to UNICEF, children staying at these MVD-maintained centers claimed that they were physically and mentally abused. Employees at these centers contested those claims and insisted that their practices conformed to normal standards of discipline.

Trafficking in Persons.—The law prohibits trafficking in persons; 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 prosecuting several officials involved in trafficking and improving assistance to victims.

The country was a source and transit, and to a lesser degree, a destination for trafficked persons. Internal trafficking for both 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, but it was not able to address the issue without financial and practical assistance from various international and nongovernmental organizations. With that assistance, 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.

There was no reliable data on the number of persons trafficked. Local NGOs and government officials estimate that approximately 4,000 Kyrgyz women were working in the United Arab Emirates (UAE) in the sex industry. Most were presumed to be victims of trafficking. A significant number of trafficking victims were also estimated to be working in Kazakhstan and Russia as labor migrants. According to estimates by IOM, Eurasia Foundation, and the Kyrgyz State Committee for Migration and Employment, the number of Kyrgyz labor migrants working in Kazakhstan ranged from 30,000 to 50,000 or from 300,000 to 600,000, depending on the season. Another 300,000 to 500,000 Kyrgyz citizens were estimated to be working in Russia. The number of Kyrgyz citizens working in both countries who may have been victims of trafficking was unknown.

IOM estimated that about 70 percent of trafficking victims were from the southern provinces of Jalalabad and Osh, where unemployment rates were highest. Women, especially from impoverished southern areas, were trafficked for sexual exploitation to the 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 were also reportedly used to recruit trafficking victims. Tour agents, restaurants, and nightclubs supplemented their activities by trafficking young women to foreign prostitution rings. 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, as well as to labor recruitment firms (see section 6.c.).

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, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years. In January the President enacted a new Law on External Labor Migration. The law regulates recruitment of citizens for work abroad and legal assistance to labor migrants, including cases that pose potential trafficking risks. In February amendments to the Code on Administrative Responsibility increased the punishment for violating visa issuance rules; the amendment is aimed at preventing trafficking of foreign citizens to the country.

According to the MVD, 22 trafficking-related crimes were registered during the first 10 months of the year, with completed investigations on 20 of those cases. According to IOM, there were at least three convictions during the year.

During the year no 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.

On February 14, the SNB prevented the trafficking and potential sexual exploitation of 61 young women by taking them off a UAE bound plane in Osh. The IOM office in Osh interviewed all 61 apprehended women and offered assistance to those considered to be trafficking victims; only six of the women were considered to be victims (including two minors). According to their testimonies, they were told they

would be offered lucrative jobs in Dubai. The remainder of the group stated they were traveling voluntarily to work in the sex industry in the UAE. The SNB arrested four organizers who facilitated travel of the group through Kyrgyz territory; one of the organizers admitted that the six recognized victims were intended to be sold into slavery upon arrival in Dubai. At year's end the investigation of the case continued and no further information about the investigation was available.

The MVD 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. During the year new officials whose portfolios include combating trafficking were appointed, due to a significant turnover within the Government. In late 2005 the responsibility for coordinating antitrafficking activities was assigned to the trafficking division of the newly established State Committee on Migration and Employment (SCME). Together with the OSCE, the SCME was developing a program on preventing and combating trafficking.

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. In 2005 and at a October press conference, Kubanychbek Isabekov, chair of the parliamentary Commission on Labor Migration, stated law enforcement officers were directly involved in trafficking.

In January the President signed amendments to article 124 of the Criminal Code that made explicit that trafficking victims would not be prosecuted if they cooperate with an investigation. With this provision in place, it was reported that trafficking victims were cooperative during investigations. According to local NGOs, during the year there were no reported cases of trafficking victims treated or prosecuted as illegal migrants for not cooperating. Since 2005 trafficking victims have not been 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. According to local antitrafficking NGOs, trafficking victims no longer refused to cooperate with police for fear of prosecution for offenses committed while being trafficked into or out of the country. However, it was reported that the trafficking victims feared possible retaliation from traffickers should it be revealed that they provided information to the authorities about traffickers' activities. There were no reports that the Government deported foreign victims of trafficking during the year. OSCE and IOM reported that many 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 Kyrgyz victims who admitted to the use of false documents or illegal entry into the country were not penalized.

The Government implemented information campaigns warning persons against the dangers of being trafficked. In April the NGO Golden Goal launched an antitrafficking information campaign sponsored by the Canadian government and implemented jointly with local law enforcement authorities. As part of the program, training was held for law enforcement officials in Osh on how to treat trafficking victims and enhance antitrafficking activities. Golden Goal also carried out an information campaign within schools and colleges to raise awareness about the dangers of trafficking. In June the Government, jointly with IOM and foreign donors, started information campaigns and victims assistance. As part of the campaign, the Government established a toll free hot line that callers could use to receive information in Kyrgyz and Russian languages about rules and laws for labor migrants and all others seeking employment opportunities abroad. Callers could receive legal advice on the possibility of being trafficked while seeking employment abroad.

In October the parliament ratified a CIS agreement on combating trafficking aimed at coordinating efforts of CIS law enforcement agencies.

In November Golden Goal and the OSCE launched a Web site, aimed primarily at Ferghana Valley residents, that provided information on combating trafficking, including antitrafficking programs implemented in the region, helpline information for trafficking victims, relevant laws on trafficking, and other useful information. The site also serves as a venue for information sharing between Kyrgyz, Uzbek, and Tajik NGOs involved in antitrafficking activities.

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.

Although the Government lacked adequate resources to carry out comprehensive antitrafficking programs, it 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 with approximately 12 domestic NGOs on information campaign.

According to some NGOs, the Government did not directly assist trafficking victims, including those repatriated, with any special services or care facilities. However, 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. The Government provided space for a new shelter for juvenile trafficking victims in the south, which opened in November. Law enforcement organs increasingly referred victims to private shelters such as Sezim, which provided shelter for 35 female trafficking victims as well as legal and employment advice to 10 women in Bishkek during the year. Many 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.

The NGO Sezim reported that it received 68 calls to its hot line during the first two months of the year; beginning in March, such calls were made on IOM-sponsored and government operated toll free number. Due to suspension of funding, the Podruga hot line operated only for three months during the year; during this time, it received about 200 calls on their hot line. At year's end IOM provided assistance to 104 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. Hospitals, special institutions, and boarding homes for persons with mental disabilities were severely strained, due to low budgets and heavy workloads.

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. Mentally disabled children 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 any 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 (see section 6.c.). The NGO Mental Health and Society continued its work with the Health Ministry to develop programs aimed at improving conditions in psychiatric hospitals.

There were no further developments and none were expected in the 2005 death of the institutionalized patient at the Chym-Korgon hospital. Relatives of the deceased made attempts to bring the case to the attention of authorities with little success.

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 the Government issued a decree on creating a special independent entity for the protection of psychiatric patients' rights, based on a law originally adopted in 1999. The Office of the Prosecutor General is the Government's implementing body for the decree and facilitating the protection of rights for the disabled. 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 disabled citizens.

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. Statistical data from 2005 reflected the following ethnic breakdown of the population: 67.4 percent Kyrgyz; 10.3 percent Russian; 14.2 percent Uzbek; 1.1 percent Dungan (ethnic Chinese Muslims); and 1 percent Uighur. Other ethnic groups, including Tatars and Germans, comprised 6.4 percent of the population.

Uighur representatives reported no discrimination against Uighurs during the year. However, in February clashes between ethnic Kyrgyz and ethnic Dungans were reported in the Iskra village of the Chui Oblast. (see section 2.c).

In April and May an ethnic Uzbek parliamentarian advocated that Uzbek become an official language. Shortly after the parliamentarian's statement, a number of unknown perpetrators, the majority of whom were reported to be ethnic Kyrgyz, seized his property. The deputy claimed that the local authorities supported the perpetrators because of their objection to Uzbek becoming an official language. However, other Uzbek community representatives disputed this claim. The police, at the behest of the parliamentarian, managed to remove the illegal occupants from the property.

In August opposition leader and member of the parliament Kadyrjan Batyrov accused security forces of violating the human rights of the Uzbek minority in the south by targeting them during antiterrorism and extremism operations. Security service authorities denied the accusations.

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 previously disqualified in elections on the basis of exams, the fairness of which was questioned. Both Uzbek and Russian were widely used both officially and unofficially. A 2004 language law requiring, among other provisions, that the President, prime minister, speaker of parliament, and a number of other unspecified public servants be proficient in Kyrgyz was pending implementation until 2015. The Bakiyev 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. In the December 30 version of the constitution, Russian remained an official language of the country.

On May 26, authorities in Jalalabad refused to provide the necessary permits, because of a technicality, to the Uzbek Cultural Center in Jalalabad to hold a rally to promote Uzbek as an official state language.

On June 6, police in Jalalabad detained Mamatkadyr Karabayev for allegedly misusing state funds. Karabayev claimed that he was arrested for organizing and leading an ethnic Uzbek-led demonstration that sought official status for the Uzbek language. Karabayev was released under a seven-year suspended sentence and three years' probation.

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 sexuality was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities, particularly lower ranking police. 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 workers to form and belong to trade unions, and workers exercised this right in practice. The Federation of Trade Unions (FTU) remained the only trade union umbrella organization in the country, although unions were not required to belong to it. The FTU had 1.06

million members, or 56 percent of the country's employed workforce. Growing numbers of smaller unions were not affiliated with the umbrella organization. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a membership of approximately 60,000. The FTU must approve all draft legislation affecting workers' rights.

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 exercise the right on behalf of their members. The Government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not granted, it was not prohibited, and several strikes took place during the year. In June Bishkek city minibus drivers went on a strike to protest an increase in the price of diesel fuel. Authorities convinced them to return to work after promising to consider their demands, but none of the drivers' demands were satisfied at year's end. Neither the Government nor the strikers raised this issue again.

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. According to the World Bank, wages were about 2.3 times higher in 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 (see sections 5 and 6.d.).

The press continued to report that Kyrgyz citizens were forced to work without pay on tobacco farms in Kazakhstan. However, this practice declined significantly after the 2004 signing of a bilateral labor agreement with Kazakhstan.

In July the Kazakh President signed a decree protecting the rights of Kyrgyz labor migrants. The decree prolonged the compulsory registration period for Kyrgyz labor migrants from 3 to 90 days and obliged Kazakh employers to provide social and medical insurance to all Kyrgyz labor migrants.

In 2005 local media reported that approximately 20 Kyrgyz citizens were 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 being held hostage in China have been more than 100. The IOM claimed that at least three hostages escaped China during the year. The Kyrgyz MFA, according to IOM, continued to negotiate the release of the remaining Kyrgyz citizens with the Chinese government.

The Government worked with the Governments of Russia and Kazakhstan to protect the rights of Kyrgyz labor migrants in these countries. In July Presidents Bakiyev and Nazarbayev agreed to legalize Kyrgyz labor migrants in Kazakhstan. Since the beginning of September, over 6000 Kyrgyz labor migrants had been registered, thereby gaining legal protection of their rights and social benefits.

In September the Government tightened licensing rules of recruitment companies to include rules for recruiting persons to work abroad. Recruiters are required to monitor the working conditions of labor migrants while a work contract is in effect and check if an employer complies with the terms of employment. In September the Government prohibited the activities of the Kazakh company Royal Park, which operated in Osh, that illegally recruited Kyrgyz citizens for work abroad.

Following the change of the structure of the Government, a new agency, the State Committee for Migration and Employment Issues, was established and is responsible for streamlining labor migration. Working with the OSCE and the IOM, the Government started the development of a new program to combat trafficking for 2006 08.

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 and were only paid with food.

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. On January 24, President Bakiyev signed a decree aimed at reducing child labor in the country, but at year's end no actions had been taken. In accordance with this decree, the Government, in cooperation with trade unions, employers, and the IOM, drafted a state program that seeks to improve child labor regulations. The program reinforces controls over child labor, develops legal forms of child employment and provides for child labor awareness activities. At year's end the Ministries of Justice and Finance were considering the proposal. According to the State Labor Inspectorate, the inspectorate conducts spot checks to confirm compliance with child

labor law requirements only at large industrial sites with strong trade unions, which generally do not allow the use of child labor. The lack of employer employee contracts in small and medium sized businesses made it impossible to investigate child labor exploitation at those businesses.

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 or 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 five hours a day; children between 16 and 18 are allowed a maximum of seven hours a day. These laws also apply to children with disabilities.

Child labor remained a widespread problem. Child laborers were prevalent in the following sectors: tobacco, cotton, rice, cattle breeding, gasoline sales, car washing, shoe cleaning, and retail sales of tobacco and alcohol. Large families traditionally considered it necessary for children to work at an early age to help support the family. Children also were involved in family enterprises, particularly in agriculture, domestic duties, and selling products at roadside kiosks.

According to reports from various NGOs, child labor was particularly evident in the south. During the fall, classes were cancelled and children were sent to fields to pick cotton. During the summer children were involved in all levels of tobacco production. Schools required children to participate in the tobacco harvest (some fields were located on school grounds), and the income went directly to the schools, not to the children.

Internal trafficking of children for the purposes of sexual exploitation and labor remained a problem (see Section 5). Children were generally trafficked from poor rural areas to Bishkek and Osh.

The Prosecutor's Office and the State Labor Inspectorate were responsible for enforcing employers' compliance with the labor code. During the year the inspectorate had 54 inspectors throughout the country. During the first six months of the year, the General Procurator'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. The legislative assembly's committees of health protection, women and family, and education, science, and cultural affairs oversaw the legal protection of the interests of minors whenever new laws were discussed in parliament. Trade unions enforced compliance with the labor code. The FTU also had the right to carry out child labor inspections when it received a complaint; there were no inspections during the year.

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. Araket, a national poverty reduction program, provided financial support for low income families. New Generation, a children's rights program, worked to define suitable working conditions for children and to introduce new methods of monitoring employers' compliance with labor legislation.

e. Acceptable Conditions of Work.—The Government mandated national minimum wage of approximately $2.54 (100 Kyrgyz Som) per month did not provide a decent standard of living for workers and their families. However, industries and employers generally paid somewhat higher wages. The FTU was responsible for enforcing all labor laws, including the minimum wages law; minimum wage regulations were largely observed. Salaries in the health care field were among the lowest, averaging $33.80 (1,385 Kyrgyz Som) per month. Although the enforcement of labor laws was nonexistent in the growing underground economy, market forces helped wages in the unofficial sector keep pace with official wage scales.

In accordance with the Law on Foreign Labor Migration, adopted on November 14, 2005, all foreign workers are provided with the same rights and conditions as citizens.

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 compen-

satory leave for overtime work are provided for. These provisions were mainly enforced at large companies and organizations with strong trade unions.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, as well as enforcement procedures. The state labor inspectorate is responsible for protecting and educating workers as well as informing business owners of their rights and responsibilities. The state labor inspectorate is also tasked with carrying out inspections for all types of labor issues but rarely did so in practice. The Government failed to enforce existing health and safety regulations. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. Workers 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.

MALDIVES

The Republic of Maldives has a parliamentary style of government with a strong executive and, according to current estimates, a population of approximately 360,000. 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 five-year term in 2003. In May 2004 voters elected the members of the Special Majlis, a body convoked by the President specifically to address constitutional reforms. In January 2005 the Government held general parliamentary elections. A Commonwealth Expert Team commended the broad participation of voters and the peaceful nature of the elections, but made a number of recommendations to reduce the "democratic deficit" in Maldives. In June 2005 the Government legally recognized political parties for the first time, and President Gayoom formed the Dhivehi Rayyethunge Party (DRP), which he leads. The DRP is considered the governing party, although the current government came to power before the party system was implemented. The civilian authorities generally maintained effective control of the security forces.

Although the Government's human rights record improved somewhat during the year, serious problems remained. In March the Government published a "Roadmap for the Reform Agenda" and subsequently introduced several bills in parliament to address significant structural difficulties. Although the proposed legislation was the subject of intense national debate, none of the bills had passed by the end of the year. Citizens faced restrictions on their ability to change their government; some security forces occasionally abused detainees; and the Government limited freedom of the press, freedom of assembly and association, and freedom of 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.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On December 27, the High Court overturned the conviction of former National Security Services captain Adam Mohamed on charges related to three custodial shooting deaths at Maafushi prison in 2003. Mohamed had served 20 months of his sentence before the High Court heard his appeal and overturned the Criminal Court's conviction. An independent news web site reported that the Attorney General (AG) will refer the case to the President's Judicial Committee in order to uphold the initial conviction.

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 credible reports of occasional mistreatment of persons by some security forces. On January 5, police went to one of the islands of Fares-Maathodaa to take two persons into police custody; the two were part of a group that had refused to let a survey team leave the island until the Government provided a written guarantee that a promised construction project would be carried out. The Government provided the guarantee and the survey team left. However, when security forces later tried to arrest these individuals, a group

tried to block police entry to the island. According to opposition press reports police responded with force, injuring several bystanders by striking out with batons and using pepper spray for crowd control. The Government claimed that security forces' actions were a proportional response to the crowd blocking the security forces' passage.

On January 19, the opposition Maldivian Democratic Party (MDP) reported that police entered a regional party office and hit Mohamed Ibrahim Didi, an MDP member of parliament present in the office, in the stomach.

On June 22, the opposition press reported that prisoner Mohamed Shameen, being held in Male's penitentiary block 373, was hospitalized after having been beaten in custody; there was no report of an official follow-up investigation.

On August 28, following a violent antigovernment demonstration in Male MDP official Aishath Aniya, accompanied by two other activists and pro-opposition radio news reporter Fathimath Shaheeda, went to a police station to elicit information about the arrest of MDP members. Aniya reported that a policeman punched her in the face, dragged her and Shaheeda to a police van, drove them some distance away, and shoved them out of the parked vehicle.

In general, punishments were limited to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll (see section 2.d.). The Government generally permitted those who were banished to receive visits by family members.

Prison and Detention Center Conditions.—According to those who conducted visits, prison conditions generally met international standards, although pretrial detainees were not held separately from convicted prisoners.

Some pro-opposition prisoners who were released during the year reported being kept in cramped quarters or in solitary confinement during detention. Early in the year the Government invited a consultant from the Western Australian Police to evaluate prisons and make recommendations. The consultant remained for 10 months, but his report was not made public.

The Government permitted prison visits by foreign diplomats and the Maldives Human Rights Commission (MHRC). There were no ICRC visits during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrests 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.

On May 15, following the publication of a Presidential decree regulating freedom of assembly, the MDP staged a series of demonstrations in which over 120 protesters were arrested. Within 24 hours, authorities released without charge the majority of those detained. However, on May 29, a court sentenced four detainees from the May 15–21 protests to six-month jail terms without permitting them access to lawyers. The court reportedly denied one of these four, Mariyam Rahma, the opportunity to speak in her own defense.

The opposition reported that from October 30 to November 10 when an opposition rally was planned, the Government arrested 108 persons, 34 of whom were released by November 22. The opposition posited that the planned demonstration would be peaceful and was intended for party members to urge parliamentarians to speed up the process of constitutional reform. The Government reported receiving intelligence that the demonstration would turn violent and accused some members of the opposition of inciting revolution. However, according to Amnesty International (AI), the Government failed to provide substantive evidence to support allegations that any of the detainees used, planned, or advocated violence. AI also reported that some security forces hit or otherwise ill-treated arrestees in the lead-up to November 10, and the Government severely restricted some detainees' access to lawyers and medical treatment. In a press release the Government countered that the AI report failed to recognize the planned demonstration was illegal and accused the organization of making judgments based on "hearsay" from "militants." The opposition reported that as of November 22, 66 persons were in detention and six under house arrest under charges related to the planned November 10 protest. Almost all were released by December 31, but according to opposition reports, at year's end, authorities were investigating 76 persons in relation to the planned November 10 protest.

Role of the Police and Security Apparatus.—The 287-officer Maldives Police Service collects intelligence, makes arrests, and enforces house arrest. Although the Maldives National Defense Force (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.

Neither police corruption nor impunity was a significant problem.

In September, per an agreement reached with the opposition during British-mediated talks in Colombo, the Government established a Police Integrity Commission. The opposition complained that the Government's appointees did not include genuinely independent commissioners with legal or police expertise. The commission had not begun substantive deliberations by the end of the reporting period.

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 should 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. Under a bail system introduced in 2005, 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 seven days pending further investigation. After the seven 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 a petition from the arresting officer, on the basis of factors such as the detainee's previous criminal record, the status of the investigation, the type of offense in question, or 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. Until November 2005, in addition to his authority to review high court decisions, the President influenced the judiciary through his power to appoint and dismiss judges. In November 2005 the Government announced the creation of 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 role, such as Justice Minister or Attorney General. The JSC is supposed 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. The JSC did not establish its rules of procedure until July, eight months after it was formed; it is unclear whether the JSC discussed substantive matters in the course of the reporting period. 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. There is also a high court in Male that handles a wide range of cases, including politically sensitive ones. The President's judicial advisory council, led by the chief justice, is empowered to review all court rulings as the final arbiter of appeals.

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 (see section 1.d.). Regulations rather than laws govern trial procedures, and during the reporting period there were complaints that the lack of uniformity in courts made it difficult for defendants to argue their cases. 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.

Opposition activist Ahmed Abbas was tried in absentia on November 1 for comments he made to a newspaper in August 2005 saying that police should be made to feel that physical abuse is painful. Abbas reported that he first learned of the case against him when he read about his sentencing on a pro-government web site on November 2. For clarification, he contacted a relative working in the Ministry of Justice, who confirmed that the court had sentenced him. Abbas then unsuccessfully sought asylum at both the Indian High Commission and the UN. The UN turned Abbas over to the authorities on November 3 after receiving government assurances that Abbas would not be harmed and would have access to legal representation. Authorities said Abbas's trial in absentia followed legal requirements, which permit a trial in absentia if the accused does not appear in court despite several attempts to inform him/her of the court date. Abbas was taken to Dhoonidoo detention center and transferred to Maafushi Jail to begin serving his sentence on November 5.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law, as well as in family law 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 (see section 5).

Political Prisoners and Detainees.—The Government maintained that there were no political prisoners; however, the MDP, international NGOs, and some foreign governments asserted that some persons were held for political reasons.

On February 22, the Government released two AI Prisoners of Conscience, Naushad Waheed and Ahmed Didi. In 2001 Waheed had been arrested and charged for crimes against the state for publicizing accusations of abuses in prisons, while Didi had been arrested in 2002 for his involvement with an antigovernment news magazine. Both served over three years in prison until being released with a Presidential pardon.

During the week of July 23 the Government released a number of pro-opposition detainees being held on unlawful assembly charges, but according to the MDP, as of August 1, 81 opposition activists remained in jail on politically motivated charges. After a series of discussions between the opposition and the Government with British facilitation in Colombo between July and August, the opposition committed to limit protests and minimize antigovernment rhetoric. In exchange, the Government released all but six detained opposition members.

On August 16, the Government released Jennifer Latheef, the daughter of an MDP founding member and herself a human rights activist who was under house arrest serving a sentence on a terrorism conviction. In October 2005 the criminal court sentenced Latheef to 10 years of imprisonment for her participation in a violent demonstration in Male in 2003. She served three months of her sentence at Maafushi Prison before being transferred to house arrest on December 21. Four others were charged with Latheef and received the same sentence; although Latheef was freed with a pardon, the other four remain in Maafushi jail. Latheef maintained her innocence and sought a full exoneration through a judicial appeal to overturn her conviction. The Government did not accept her petition for an appeal hearing, citing the Presidential pardon that granted her release as adequate redress.

On September 21, the Government released Mohamed Nasheed, the chairman of the MDP. The Government announced in a public statement 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 the August 2005 arrest and subsequent prosecution of Nasheed on charges of terrorism and crimes against the state were politically motivated. Police initially informed Nasheed that he was being taken into protective custody. Later, police charged him with one count of terrorism and one count of committing a crime against the state—tantamount to sedition.

Before his release in September, Nasheed did not receive a long-term trial schedule, making the term of his pretrial detention under house arrest indefinite. In addition, his hearing dates changed several times without adequate notice, creating obstacles for his defense team and for an international trial observer. The broad charges against Nasheed fell under antiterrorism legislation, but the specific charges against him changed at various points during his trial. At his initial hear-

ing, Nasheed was told he was being tried for his participation in an August 2005 demonstration that turned violent following his arrest; he was later informed that the charges against him spanned events over the last 17 years. One such accusation was "instilling fear in the people's hearts."

Between October 30 and November 10, police arrested and detained 108 activists in the lead-up to a planned demonstration November 10.

On November 14, the Government charged MDP acting President Ibrahim Hussein Zaki with "inciting enmity against the lawful government" for an October 13 speech in which he commended an act of civil disobedience and discussed revolution. The Government posited that Zaki's speech was inciting a violent overthrow, while Zaki said he did not advocate violence and was exercising appropriate freedom of political expression. The opposition called the charges against Zaki politically motivated.

As of December 31, according to opposition reports, of the 108 activists arrested prior to the November 10 demonstration, two persons were convicted and serving jail sentences, one person was under investigative detention, 76 persons were released from detention but told investigations and charges were pending, and 26 persons were released without charge. The opposition called the detentions and subsequent charges politically motivated, while the Government responded that all detainees had violated local laws.

Civil Judicial Procedures and Remedies.—There is a Civil Court that addresses non-criminal 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, although an individual filed an unfair dismissal case after being fired for participating in an antigovernment demonstration (see section 2.b.). 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 the Government generally respected privacy rights in practice. 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. In 2005 opposition sympathizers reported that security services intercepted some of their SMS messages. Also in 2005, hackers broke into pro-opposition activists' e-mail accounts and published doctored e-mails on pro-government web sites.

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 2005 the Government registered almost 200 independent newspapers and periodicals, but either a current or former government minister owned three, Aafathis, Haveeru, and Miadhu, of the four publications put out on a daily basis throughout the year.

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 other foreign newscasts. Although the Government implicitly committed to permitting the functioning of independent radio stations in the "Media" section of its March Reform Roadmap, by the end of the year the legislature had not passed the necessary bill to recognize independent radio stations.

Journalists, primarily pro-opposition reporters, stated that they faced harassment throughout the course of the year. On April 20, a court sentenced Minivan journalist Fahala Saeed to life in prison on drug charges. Saeed had been called to the police station with advance notice, was searched once, declared free of contraband, then separated from his attorney, strip searched, and told that drugs had been found in his pockets. At Saeed's trial, a witness testified that 1.1 grams of heroin had been discovered in his trousers; possession of over one gram of drugs is considered prima facie intent to sell. Saeed was denied the right to present two defense witnesses and to attest that he was not carrying drugs, although he maintained his innocence. On July 30, authorities allowed Saeed to leave prison and visit his home for three days. He was also permitted to remain in Male to have access to medical care for injuries

unrelated to his incarceration. In late December authorities returned Saeed to Maafushi prison.

On May 6, authorities arrested Minivan's sub-editor, Nazim Sattar, on undisclosed charges when he accompanied a visiting international press freedom delegation to a rally for World Press Freedom Day. Also on May 6, an independent news web site reported that Ahmed Moosa, the UK-based editor of Dhivehi Observer, a banned antigovernment web site, was denied a renewal of his passport.

On May 14, police in Male arrested Minivan radio host, Fathimath Shaheeda, on unlawful assembly charges for participating in a pro-opposition rally. Shaheeda also reported being ill-treated by police when she accompanied an MDP official to the Male police station to elicit information about the arrest of activists on August 28 (see section 1.c.).

On May 15, Minivan's sub-editor Sattar also faced a hearing on a disobedience to order charge. The charge stemmed from Minivan's August 2005 publication of an article quoting activist Ahmed Abbas saying police should be made to feel that physical abuse was painful; the article allegedly incited violence and antipathy toward police (see section 1.e). The case was adjourned without being resolved.

On May 27, police used pepper spray against a BBC journalist covering the trial of MDP chairperson Mohamed Nasheed.

On November 4, police brought a foreign national accredited to Minivan news and a free-lance British journalist affiliated with The Observer to a police station for questioning and requested they delete audio files and photos. The two refused and were released without charge after four hours. Subsequently, the two were asked to leave the country; they were held at the airport over night before being permitted to board flights the following morning.

The Government issued a press release claiming they were not genuine journalists accredited to "reputable news organizations," and accusing them of attempting to destabilize society. Both reporters denied those charges. One had a valid work permit issued by the Government and Minivan News, his employing organization in the country. Minivan was the only pro-opposition daily newspaper, had an independent news web site, and transmitted a radio program confined only to the Internet because the Government had not registered the radio station for on-air broadcast. However, the Government tolerated the lone radio reporter's news gathering.

On November 20, a journalist from Minivan Daily reported that police were investigating two Minivan staff for publishing an article quoting a foreign analyst who criticized the President. There was no further information at year's end.

In April 2005 the Government blacklisted three British nationals, including one who edited and wrote for the independent Minivan News web site, a lawyer then consulting for the opposition, and another individual running a pro-democracy NGO, alleging the three had ties to Islamic terrorism. Pro-government web sites have accused the lawyer and the NGO activist of conducting Christian missionary work in addition to supporting Islamic fundamentalism/terrorism. All three British nationals remained blacklisted.

In December 2005 authorities initiated an investigation of Minivan's Colombo offices on charges that two Minivan employees were conducting seditious activity and arms trafficking. Sri Lankan police served a search warrant and examined Minivan premises in Colombo but found no evidence of criminal activity. Minivan stopped broadcasting radio news programs, and the web site's writers left Sri Lanka to work from the United Kingdom. The radio program resumed broadcasting via the Internet from Europe in February. Because the Government did not register the radio station, the radio show's editor, based in Male, audio recorded the program and e-mailed the sound files abroad, from where they were re-broadcasted online.

Although an amendment to the law decriminalizes "true account(s)" of government actions by journalists, both journalists and publishers practiced self-censorship (see section 2.d.).

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; however, it blocked the pro-opposition Dhivehi Observer news web site and sites deemed pornographic. The Internet was widely present and used within the capital, but there was limited Internet availability in outlying atolls due to infrastructure constraints.

The blocked Dhivehi Observer, which many citizens reportedly viewed via mirror sites, featured personal photos, cartoons, and commentary about government sympathizers. Several progovernment web sites, none of which was blocked, featured sexual allegations and personal photos (some doctored) of perceived pro-opposition women. Some of these web sites included the women's mobile phone numbers and

e-mail addresses along with their photos, and the women reported receiving numerous 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 constrain 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, the Government imposed limits on this right in practice.

The Government permitted members of political parties, including those in the opposition, to hold public meetings and rallies with prior notification to the Government. Unlike previous years, 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.

The opposition stated that protests on January 13 and 18, April 15, May 15–19, and June 15 resulted in forceful police responses, with several demonstrators and by-standers reportedly injured by police on each occasion. There were reports that some police wielded batons indiscriminately and hit or kicked demonstrators. Government officials responded that security force conduct was a proportionate response to protestors throwing stones or physically assaulting others. On November 10, the MDP cancelled a rally because of a prior government crackdown that led to the arrest of over 100 MDP activists. The Government claimed that the activists were planning to incite violence; the MDP denied these charges (see section 1.d.).

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 June 2005 parliament unanimously voted to allow political parties to register and function for the first time. This followed a May 2005 legal opinion from the AG, who interpreted the constitution as permitting political parties.

According to the opposition, some MDP members who were civil servants were dismissed for their political affiliations. Government officials responded that the political beliefs of those dismissed created a conflict of interest and made it impossible for them to function. On December 11, Zaheena Rasheed attended the first hearing of an unfair dismissal case she initiated against the Ministry of Atolls Development. Rasheed, who had served as a Planning and Monitoring Officer, reportedly received two job dismissal notices, the latter citing her for holding a banner at a demonstration calling for the President to resign. She said her action at that time was legal, and at year's end she had petitioned the civil court for financial compensation and a reinstatement of her position.

Few NGOs existed in the country. Many NGOs focused on tsunami relief and not on human rights. Those NGOs reported that they exercised self-censorship (see section 4).

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 this provision as imposing a requirement that citizens be Muslims. The law prohibits the practice of any religion other than Islam. The Government observes a combination of Shari'a and civil law. Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in cases such as divorce and adultery. Non-Muslim foreign residents were allowed to practice their religion only if they did so privately and did not encourage citizens to participate. President Gayoom repeatedly stated that no other religion should be allowed in the country, and the home affairs ministry announced special programs to safeguard and strengthen religious unity. The President, the 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 citizen-

ship from conversion to a non-Islamic religion. In the past, would-be converts were detained and counseled regarding their conversion from Islam.

Islamic instruction in school is mandatory, and the Government funded the salaries of religious instructors. The Government established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The council certified imams, who were responsible for presenting Friday sermons. Imams may choose to use a set of government-approved sermons on a variety of topics, but they are not legally empowered to write sermons independently. No one, not even an imam, may publicly discuss Islam unless invited to do so by the Government.

Societal Abuses and Discrimination.—Under the country's Islamic practice, certain legal provisions discriminate against women (see sections 1.e., 3, and 5). There were no known Jewish citizens, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 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. Citizens are free to travel at home and abroad, to emigrate, and to return. 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 UN Convention Relating to the Status of Refugees and its 1967 Protocol (see section 5), 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 UN High Commissioner for Refugees; however, asylum issues did not arise during the year. The Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government did not routinely grant refugee status or asylum.

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 five-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 five-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.

In 2004 the President assembled a Special Majlis, or special legislature, 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 January 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 by the November 2004 deadline; 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 legislature met several times during the year, and unlike in past years, debated some substantive issues. Nevertheless, by the end of the year, the special legislature had not taken concrete steps toward constitutional reform.

In June 2005 the Government allowed the establishment of political parties (see section 2.b.). There were two elected women and four female Presidential appoint-

ments in the 50-member legislature. Of the 113-seat special legislature, 13 women served, including the six women from the normal legislature, two female cabinet members, and one elected woman 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.

In November 2005 a by-election was held to fill three seats in the legislature. While candidates were not permitted to campaign on party tickets, parties were permitted to endorse candidates.

Government Corruption and Transparency.—There were anecdotal reports that the power of the President and his family directed many decisions, including economic activities and political reform. 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.

There are no laws that provide for access to government information.

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

There were a few independent local human rights groups, including one called Hama Jamiyya. During the year, the Foreign Minister and AG established an NGO called the Open Society Association; authorities officially registered an NGO called the Maldivian Detainee Network, although previously it faced a number of bureaucratic obstacles.

NGOs reported that they exercised self-censorship.

The ICRC conducted prison visits in April and August 2005, and the International Committee of Jurists sent an observer to some of opposition leader Mohamed Nasheed's hearings.

On August 8, parliament passed legislation making the Maldives Human Rights Commission (MHRC) compliant with UN guidelines, and the President ratified the bill August 17. On September 9, the President submitted five nominees to serve on the MHRC, and in November the authorities officially reconstituted the MHRC, but it was not yet fully operational by the end of the year. It had remained nonfunctioning following the 2005 resignation of the previous MHRC Chairman Ahmed Mujthaba and two other members.

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. There were no firm data on the extent of violence against women, although a 2005 MRHC baseline attitude survey indicated that many citizens believed men should be permitted to hit their wives under some circumstances. A November NGO report concerning the UN Convention on the Elimination of Discrimination Against Women said 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.

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 in growing numbers. Women constituted approximately 39 percent of government employees. The literacy rate for women was approximately 98 percent. A Gender Equality Council advised the Government on policies to help strengthen the role of women. 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 in estate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal to one-half that of a man in matters involving adultery, finance, and inheritance (see section 1.e.). Women who worked for wages received pay equal to that of men in the same positions.

Children.—Education is not compulsory, but there is universal access to free primary education. In 2004 the percentage of school-age children in school grades one to seven was 79 percent; in grades eight to 10 it was 62 percent; and in grades 11–12 it was 16 percent. Of the students enrolled, 49 percent were female and 51 percent male. In many instances, 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.

Children's rights are incorporated into law, which specifically seeks to protect them from both physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Gender and Family Development has the authority to enforce this law and received strong popular support for its efforts. During the year, the ministry reported continued child abuse, including sexual abuse. Penalties for the sexual abuse of children range from as much as three years' imprisonment to banishment.

Government policy provides for equal access to educational and health programs for both male and female children.

Child labor remained a problem, primarily in agriculture, fishing, and in small commercial activities, including in family enterprises. There were no reports of children being employed in the industrial sector (see section 6.d.).

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 from nine months to one year or whipping from 10 to 30 times. For women, the punishment is house arrest for nine months to one 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 recognizes neither a worker's right to form or join a union nor the right to strike. Small groups of similarly employed workers with mutual interests have formed associations, some of which include employers as well as employees. These associations have not acted 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 are set by contract between employers and employees and are usually based on rates for similar work in the public sector.

There were no reports of efforts to form unions or of strikes during the year.

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, but there were no reports that such practices occurred.

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, child labor was a problem in agriculture, fishing, small commercial activities, and family enterprises. Working hours for children 14 years or older are not limited specifically by statute. A unit for children's rights in the Ministry of Gender, Family Development and Social Security is responsible for monitoring compliance with the child labor regulations, but it was not charged with their enforcement. The Ministry of Employment and Labor has an employment relations and compliance unit that deals with child labor problems.

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. Given the severe shortage of labor, employers offered competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. The public sector provides a seven-hour day and a five-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. 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, it was unclear whether workers would be protected from retaliatory dismissal if they attempted to remove themselves from, or eliminate, unsafe working conditions.

NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government and a population of approximately 28 million. Until April 27, King Gyanendra Bir Bikram Shah Dev had direct control of the Government, citing the need to fight a Maoist insurgency under the emergency powers article of the constitution. After the successful popular uprising in April, the King restored parliament and ceded power to a government headed by Prime Minister Girija Prasad Koirala and run by an alliance of the seven main political parties (Nepali Congress, Nepali Congress-Democratic, Communist Party of Nepal-United Marxist Leninist, Nepal Sadbhavana Party-Anandi Devi, People's Front Nepal, Nepal Peasants and Workers Party, and the United Left Front). On November 21, the Government and the Maoists signed a comprehensive peace agreement that called for an interim government, with the participation of the Maoists, to be formed by December 1. At year's end, the Government and the Maoists had not yet formed an interim government. The most recent national parliamentary elections were held in 1999 and were considered generally free and fair by international observers. The King held municipal elections in February that most political parties boycotted and the international community criticized. While the King generally maintained effective control of the security forces, elements of the security forces sometimes acted independently of government authority before the popular uprising. After the April uprising, the newly formed government took over control of the security forces; however, the Government has not used the security forces effectively to enforce law and order. The November 21 peace agreement called for the Nepal Police and the Armed Police Force (APF) to enforce law and order across the country. Authorities reestablished some police posts across the country, but Maoists subsequently forced many of them to close. The Government ordered the police not to endanger the peace process by taking action against the Maoists.

Members of the security forces and the Maoist insurgents committed numerous grave human rights abuses during the year. Arbitrary and unlawful use of lethal force, including torture, as well as disappearances, occurred frequently. In addition, arbitrary arrest and lengthy pretrial detention, restrictions on the right to assemble, obstruction of citizens' right to change the Government, and impunity for security forces remained serious problems. The Government also compromised independence of the judiciary, suspended news broadcasts, restricted the Tibetan community, restricted internal travel, and discriminated against persons with disabilities and lower castes. Violence against women and trafficking in women and girls continued. Maoist acts of violence, extortion and intimidation continued throughout the year (see section 1.g.).

There has been some improvement in the human rights situation since the transition of power on April 27. Government abuses decreased substantially, while Maoist abuses, such as abduction, extortion, and violence, continued relatively unabated.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Before the popular uprising in April, security forces continued to commit arbitrary and unlawful killings. According to a local nongovernmental organization (NGO), Informal Sector Service Center (INSEC), security forces killed 247 people between January 1 and November 20. Additionally, Nepal Army (NA) soldiers killed numerous others before the cease-fire declaration on April 27, including those in custody who were tortured, according to NGO sources (see section 1.c.). The National Human Rights Commission (NHRC) re-

ported that the Government and Maoists killed 43 persons between April 27 and December 31. During the year, the NA's human rights investigative cell conducted 102 new investigations involving 163 individuals. In most cases of arbitrary or unlawful killings, the security forces claimed that the victims were Maoists. After the restoration of parliament in April, NA abuses lessened substantially.

On February 8, security forces shot and killed Umesh Chandra Thapa in Dang. Thapa was shot when security forces fired on a peaceful demonstration protesting the municipal elections.

On March 8, according to INSEC, security forces shot and killed Rishiram Kumal, a civilian. Kumal met security forces while he was walking to his home in Kusundeter. Security forces were on a search operation, and when they asked Kumal where he had come from, and Kumal did not respond, security forces shot and killed him. After the incident, five security forces went to the nearby Rambhadevi Primary School and took two teachers of that school to the place of the incident. The security forces asked the teachers to identify the dead body, but the teachers were unable to recognize him. Security forces buried Kumal near Rambha Devi Primary School and did not notify Kumal's family. When Kumal's family inquired about their son, villagers and teachers of the school said that there was a shooting near the school that day. The victim's family went to the burial place and excavated the body.

During the 19-day popular uprising in April, INSEC reported that security forces killed 21 persons nationwide. Those killed included Bhimsen Dahal in Pokhara and Tulasi Chetri in Bharatpur on April 8, and Bishnu Pandey in Nawalparasi on April 12.

Security forces used excessive force against persons in custody, resulting in deaths during the year. On January 5, security forces arrested Devendra Rai in Bhojpur on suspicion of being a Maoist. The security forces beat and subsequently killed Rai. On April 26, security forces arrested Sapana Gurung on suspicion of being a Maoist. The soldiers allegedly raped and beat Gurung before they shot and killed her. At year's end, the NA had not reached a verdict on this case.

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.

There were no developments in the 2004 killings of Rajendra Paneru, Ganesh Syangtang, Subhadra Chaulagain, Reena Rasaili, Kishori Patel Kurmi, Suresh Raut Patel, Govinda Poudel, or for any victims of the February 2004 raid in Ward 4 Handikhola VDC.

During the year there were no reports of injuries or deaths from NA-planted landmines protecting military installations and infrastructure. The Maoists used landmines in and alongside roads, killing both security forces and civilians (see section 1.g.). There were more than 117 civilian casualties, with 23 resulting in death, from accidental explosions of landmines or improvised explosive devices during the year. The November 21 peace agreement called for all landmines to be identified and located within 30 days and removed completely within 60 days. At year's end, there had been no indication that this process had started.

Maoist rebels repeatedly clashed with security forces and engaged in targeted killing of security forces, government officials, and civilians during the year. Maoist killings lessened after the cease-fire in April, but other abuses continued nearly unabated.

INSEC reported that insurgents killed 240 civilians during the year (see section 1.g.), including on January 22, when Maoists shot and killed Bijay Lal Das, a local leader of the Nepal Sadbhavana Party-Anandi Devi.

There was a notable upswing in vigilante groups, increasing the level of violence experienced by the civilian population during the year. For example, on June 30, an anti-Maoist vigilante group killed two Maoists in Kapilvastu district (see section 1.g.). The Government did not penalize villagers who were involved in vigilante killings.

b. Disappearance.—Before June 12, there were disappearances of persons while in the custody of security forces. In some cases, individuals disappeared, and their whereabouts remained unknown until much later when the Government acknowledged that the individuals were detained under the Terrorist and Destructive Activities Ordinance (TADO) (see section 1.d.). On June 12, the Government repealed TADO and released between 300 and 600 Maoists held under the act. Under TADO, suspects had to appear before a court within 60 days of their arrest, and the Government could hold suspects in preventive detention for 360 days.

In May the Office of the High Commissioner of Human Rights (OHCHR) reported on the status of 49 disappeared people whom the Bhairabnath Battalion of the NA 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 people between September and December 2003, battalion officials claimed that prisoners were released or transferred after short periods of detention.

INSEC data of unresolved disappearances lists the Government as responsible for the disappearance of 1,305 persons from the beginning of the insurgency in 1996 through 2005. The Maoists, according to INSEC figures, were responsible for the abduction of 46,794 persons and the disappearance of 8,715 persons in 2005. By year's end the Government had not prosecuted government officials or Maoists for their involvement in disappearances.

The NHRC reported that the Government was responsible for the disappearances of 2,032 people from 2000 until 2006 and had made public the whereabouts of all but 646 by year's end. The home ministry created a committee to conduct an investigation into the whereabouts of the other 646, but at year's end had not publicly released any information.

Two of the three members of the NA implicated in the 2004 death and disappearance of Maina Sunawar remained in service in the military; the other left the NA voluntarily. Details concerning the investigation conducted by the Court of Inquiry Board (CIB) indicated that the military was responsible for Maina's torture and subsequent death, and identified the geographic area in which her body was buried. The NA formed a second CIB and a court martial that handed down a verdict against a colonel and two captains in the case. Authorities sentenced the colonel to six months in prison and mandated that he not be promoted for two years. The colonel also paid a $675 (50,000 NR) fine. The two captains were given six-month prison terms, could not be promoted for one year, and were forced to pay a $338 (25,000 NR) fine.

There were no developments in the 2004 disappearance of Hari Krishna Adhikari.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, beating, and mutilation; however, security forces regularly engaged in such activities to punish suspects or to extract confessions, especially before the popular uprising in April. The Center for Victims of Torture (CVICT) and Advocacy Forum-Nepal, 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. The Government failed to conduct thorough and independent investigations of reports of security force brutality and generally did not take significant disciplinary action against those involved. Citizens were afraid to bring cases against the police or the army for fear of reprisals.

On April 18, 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.

On July 29, soldiers from the NA's Bhairabnath Battalion in Kathmandu abducted three police officers by force, allegedly beating and torturing them in the battalion's barracks. According to an October 29 press release from the NA, the General Military Court issued sentences against four NA officers and 12 non-commissioned officers involved in the attack. Ring leader Captain Rana was sentenced to one-year imprisonment and was terminated from service. Other senior NA officers involved in the attack lost potential promotion, and several officers spent 45 days in military custody.

The NA stated it had reviewed 179 cases of alleged torture presented by the UN, but the NHRC had not received information regarding disciplinary action taken by the NA in these cases.

The law provides for compensation for victims of torture. According to CVICT, from 1996 until the end of the year, the NHRC filed 200 torture cases. Of these, approximately 90 cases had been decided at year's end, and 30 of those were in favor of the torture victim. Of the 30 decisions in favor of the victim, only five torture survivors received compensation from the Government. During the year two survivors received compensation, one because of a court decision and one because of a recommendation from the NHRC.

The NA soldiers involved in the 2005 Sunsari rape case did not receive a civilian court verdict but remained in a civilian jail in Biratnagar at year's end.

There were no developments in the 2005 case of Shiv Bohara.

There were no developments in the 2004 abuse case of two Tibetan refugee girls in Lukla.

There were numerous allegations of torture by Maoists insurgents. (see section 1.g.).

Prison and Detention Center Conditions.—Prison conditions were extremely poor and did not meet international standards. According to the Department of Prisons, 5,580 prisoners remained in jail at year's end. Of these, 5,155 were male, 360 were female, 50 were juvenile cases, and 15 were minor children.

Due to a lack of adequate juvenile detention facilities, children sometimes were incarcerated with adults as criminal offenders 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.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but arbitrary arrest continued during the year.

Role of the Police and Security Apparatus.—Before the popular uprising, the NA exercised responsibility for security in the country under an operational structure referred to as the "unified command," which included elements of the police.

After the uprising, the home ministry did not give orders to any of the security forces regarding maintenance of law and order, and the unified command was dissolved in July. During peace negotiations from April to November between the Maoists and the seven-party alliance, the Government instructed police not to intervene in the case of Maoist acts of violence, including intimidation, extortion and killings, for fear of compromising the peace process. The November 21 peace agreement called on the Nepal Police and the APF to enforce law and order across the country. Authorities reestablished several police posts between November 21 and year's end. Subsequently, the Maoists forced many of the re-established posts to close. At year's end, the Government had again ordered police not to take any actions against Maoists for fear of endangering the peace process. The chief district officer (CDO), the highest-ranking civil servant in each of the country's 75 districts, had limited discretion in maintaining law and order under this government mandate.

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. Before the April 27 cease-fire, police were generally unarmed and had the role of preventing and investigating non terrorist related criminal behavior, while the APF were armed and deployed as riot control at checkpoints or with NA units directly engaged against Maoist insurgents. After April 27, the NA was confined to its barracks.

During the year the NA investigated 102 cases of abuse involving 163 individuals. Of the 163, 114 cases resulted in prison sentences for one month to 10 years; 60 cases resulted in discharge from service; 39 cases resulted in demotion; 47 resulted in forfeiture of grade or promotion; nine resulted in warnings in personnel files; and six resulted in payment of compensation to the victim's family.

Following the cease-fire on April 27, corruption and impunity remained a problem in the police force. Although a few police officials accused of abuses were removed from their posts because of human rights violations, human rights groups reported that these individuals were promoted or re-assigned 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 2005, 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 seven days of arrest, but security forces regularly violated these provisions (see section 1.f.).

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 seven 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; however, the King's government consistently denied Maoist suspects visits from family mem-

bers and lawyers. 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. Human rights groups alleged that arrest without a warrant, prolonged detention without trial, and police torture were especially evident in heavily Maoist-affected areas (see section 1.c.).

Under the Public Security Act (PSA), 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 six 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 six months of detention before the Government must file official charges.

Before the uprising, the Government commonly applied this act in cases involving suspected Maoists and political and civil rights activists (see section 1.b.). Human rights groups alleged that the security forces used arbitrary arrest and detention to intimidate communities considered sympathetic to the Maoists.

On January 18, security forces arrested 16 political party activists under the PSA, including youth activists. The king's government later announced they would hold 15 of the prisoners in custody for up to three months as permitted by the PSA.

On April 5, the Government arrested over 100 political party leaders in their homes during the early morning. The Government cited fears that the Maoists would infiltrate the April 6–9 peaceful protest program of the seven-party alliance as the reason to carry out the arrests.

The king's government held hundreds of political prisoners under the PSA. On May 15, the new government arrested and held five members of the former royal government without charges under the PSA. On June 5, the Supreme Court ordered all of the detainees released.

On May 25, the Government ordered the release of most Maoists held under the PSA to help move the peace process forward, although the Government did not release 200 Maoists being held on criminal charges. At year's end, these persons remained in jail, pending adjudication of their cases.

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. Both before and after the popular uprising, the Government routinely arrested journalists, civil society members, and politicians for trying to enter restricted areas to protest. Police released most within 24 hours of their arrest.

According to international observers, in the course of the 19-day demonstration in April, police detained more than 1,000 persons in police stations and ad hoc detention centers and held several thousand activists arbitrarily under the PSA.

Before the popular uprising, authorities occasionally detained journalists on suspicion of having ties to or sympathy for the Maoists (see section 2.a.). No journalists have been held or charged for these reasons since parliament was restored in April.

There were reports of political detainees held during the year, especially before the popular uprising. Most political leaders were either under house arrest or held in Army or APF barracks before the popular uprising in April. After the restoration of parliament, all of them were released. There were no reports of political detainees under the new government.

According to Advocacy Forum, incommunicado detention remained a problem throughout the country, although it decreased after the cease-fire agreement on April 27.

Amnesty.—On February 19, the King granted pardons to 174 persons being held in prison in Nepal. In May parliament declared that the King no longer had the power to grant pardons to criminals, and any pardons would be granted by the council of ministers after recommendation from the home minister. The cabinet pardoned an unknown number of people in October.

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. On November 27, the parliament declared that the Supreme Court could not challenge the con-

stitutionality of any of the parliamentary proclamations based on the mandate of the people's movement.

The judicial system consists of three levels: district courts, appellate courts, and the Supreme Court. Before the popular uprising, the King appointed judges on the recommendation of the judicial council, a constitutional body chaired by the chief justice. Until a new constitution is formed, the judicial council nominates and confirms judges. 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 women and girls, crimes against the state, corruption, and crimes related to foreign currency. The appellate courts heard cases against suspects charged with violations under TADO until its repeal on June 12.

Delays in the administration of justice were a severe problem. As of July 2005, the Supreme Court reported a backlog of 16,293 cases, the appellate courts had 10,157, and district courts had 25,699. 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. Before TADO was repealed, police often denied suspects detained under TADO access to both attorneys and family members.

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.

In most districts, the Maoists set up "people's courts." In July, Maoist Supremo Prachanda claimed he had ordered Maoists people's courts to stop functioning in urban areas, although such courts continued to function across the country. These courts had no due process, and handled both criminal and civil cases. According to international observers, after Prachanda's July declaration, Maoists extended the people's courts into villages where they had not previously been present. For example, on September 24, Maoists established a people's court in a temple in Chandranigapur and stopped people from coming to the temple to worship. According to OHCHR, the people's courts did not provide minimum guarantees of due process and fair trial. The November 21 peace agreement called for an end to people's courts across the country, but the Maoists continued to operate these courts in most districts, including in the capital.

Political Prisoners and Detainees.—There were political prisoners at the beginning of the year, but all were released after the popular uprising and the restoration of parliament. There were no reported political prisoners at year's end.

Civil Judicial Procedures and Remedies.—During the year there were no reported government abuses of civil procedures.

Property Restitution

At year's end, in most cases, the Maoists had not returned previously seized property; however, on November 15, Maoists unlocked a house in Hetauda that they had seized in 2002 and allowed the owner to return. Maoists continued to seize property after the cease-fire declaration in April.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Before and during the popular uprising, the King suspended the right to privacy. The Government occasionally suspended all cellular telephone lines and the Internet during the popular uprising, allegedly for security concerns. Human rights activists and politicians said that when cellular telephone and Internet service was available, authorities also monitored those services before and during the popular uprising. Cellular telephones were reactivated on April 27. The Government did not interrupt cellular telephone or Internet service after the popular uprising. (see section 2.a.).

Security forces routinely entered and searched houses without warrants before and during the popular uprising. This activity substantially lessened after the popular uprising.

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. However, Maoists regularly forced civilians to flee their homes in order to escape extortion, recruitment, or retaliation.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—From January through April, there was significant internal conflict between the Government and Maoist insurgents. Both parties injured and killed numerous civilians.

The NA used helicopter bombardment to attack Maoists between January and April, sometimes causing unnecessary civilian casualties. On February 28, several army helicopters dropped a mortar shell and shot at Maoists while a crowd of civilians gathered in a village square. Several people were injured and a 14-year-old boy was killed.

On March 13, Maoists killed a civilian while firing on a group of police in Nepalgunj.

According to international observers, hospitals treated over 1,350 injured protesters, including children, during the first two weeks of the April People's Movement. According to medical personnel in one hospital, nearly one-third of the 250 protesters treated there had been struck by rubber or live bullets, and many had multiple wounds.

On April 11, in Gongabu, a group of 15 to 20 police beat medical personnel from a Kathmandu hospital who were providing assistance during a demonstration. Later, the country's senior superintendent of police, Madhav Thapa, refused requests from the NHRC to appear before the commission to respond to allegations of excessive use of force by security personnel.

On August 26, locals of Dhanusha district apprehended four Maoist cadres and handed them over to police. At year's end, the fate of the four cadres was unknown.

The Government did not take any action to compensate the students shot in Kanchanpur District in 2005.

Maoists were also responsible for numerous abductions during the year. For example, on February 12, Maoists abducted 17 civilians, including 11 youths, from the Ramechhap District. On June 10, according to INSEC, Maoists abducted and killed a schoolboy in Sindhupalchowk. On June 15, Maoists abducted and abused two men in the Kavre District.

Before April, Maoists expanded a campaign of abducting civilians, primarily students and teachers, allegedly for indoctrination programs and forced paramilitary training. There were fewer reports of Maoist abductions of students and teachers after the cease-fire in April, although such abductions continued. For example, on July 1, Maoists abducted Satish Shukla from a village in Kapilvastu allegedly in retaliation for an anti-Maoist vigilante group's killing of two Maoists on June 30 (see section 1.a.).

Maoists used landmines in and alongside roads to attack police, military, and government vehicles, injuring numerous civilians before the April cease-fire. The November 21 peace agreement called for all landmines to be identified within 30 days and removed within 60 days. At year's end, there was no indication that this process was underway (see section 1.a.).

Before the cease-fire, Maoists used civilians, including children, as human shields in wave attacks against fortified military positions. Both sides in the conflict used children as informants (see section 5). The November 21 peace agreement forbids 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.

On March 31, the Maoists bombed a testing center in Dailekh where a high school completion exam was taking place, injuring 11 children who were taking the test. The Maoist leadership said that the bombing was against party policy.

On July 2, a bomb blast attributed to an anti-Maoist vigilante group in the southern part of the country injured four people.

The ANNISU-R (the student wing of the Maoists) demanded, often violently, the halving of tuition, curriculum changes, and banning the singing of the national anthem. In some areas Maoists demanded that schools follow a calendar devoid of religious holidays (see section 2.c.). In some areas Maoist extortion and pressure forced private schools to close. Security forces also apprehended Maoists on the charge of forcibly making a school principal sign "contract papers" promising to pay them money.

The Maoists regularly blocked relief organizations from reaching civilian populations in order to force NGOs to sign agreements with Maoist regional committees. Maoists regularly extorted money from businesses, workers, and NGOs. When individuals or companies refused or were unable to pay, Maoist recrimination frequently was violent. NGOs needed permission from the Maoists to work in the majority of districts. This policy did not change after the November 21 peace agreement.

Maoist-inspired work stoppages, enforced through violence and intimidation, caused particular hardship to workers in many economic sectors. During the April uprising, the Maoists enforced a complete country-wide transportation closure and blockade of the capital valley.

Maoists regularly forced family members of those serving in the police or army, and thousands of civilians, including political party activists, to flee their homes (see sections 1.a., 1.f., and 2.d.).

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 Government imposed restrictions on these rights before and during the popular uprising. Most of these restrictions, including those enacted in October 2005, were removed after the restoration of parliament. Before the popular movement, the law prohibited speech and writing that would threaten the sovereignty and integrity of the kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or, contradict decent public behavior or morality. After the popular uprising, the Government generally allowed free speech and press.

In January the Government increased the fees for licensing a radio station by up to 40 times, effectively banning independent radio stations. The hike was repealed after the popular uprising in April.

The Election Code of Conduct limited media freedom in covering elections. For instance, the code restricted media from publishing a candidate's attack against an opponent and required that speeches by party leaders or candidates be published verbatim. The Election Code was repealed after the popular uprising in April. The Maoists imposed restrictions on free press through intimidation and the killing of journalists and the destruction of radio and television towers. On November 26, Maoists attacked journalists in Chitwan and Taplejung after the journalists allegedly published a negative report about the Maoists.

Until the parliament repealed it on May 9, the Press and Publications Act had prohibited publication of material that, among other things, promoted disrespect toward the King or the royal family; undermined security, peace, order, the dignity of the King, or the integrity or sovereignty of the kingdom; created animosity among persons of different castes and religions; or, adversely affected the good conduct or morality of the public. Foreign publications were widely available, and none was banned or censored during the year. Foreign print media operating in and reporting on the country were allowed to operate freely.

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 points of view. Kantipur and The Kathmandu Post (Nepali and English language versions of the same paper) reported independently. Gorkhapatra, the government-owned Nepali-language daily, and The Rising Nepal, the third largest English-language daily, both reflected government policy. Janadesh, the Maoist-published newspaper, remained a source of Maoist propaganda.

Police arrested numerous journalists before and during the popular uprising, many for protesting in favor of press freedom in restricted areas. Police released most journalists within 24 hours of their arrest.

On January 21, security forces beat and injured Mahendra Thapa of the Annapurna Post while he was reporting a student protest at Butwal. On January 22, police arrested Khem Bhandari, editor of Abhiyan Daily, for allegedly attacking policemen.

In March international observers noted the high prevalence of intimidation, harassment, and attacks and detention of media professionals. Sophisticated methods of intimidation, such as the "one-door advertisement policy," which directed public expenditure on advertising to co-operative media and imposed a de-facto ban on all public advertising in newspapers that were critical of the Government, were used to silence the media. By March, thousands of journalists had lost their jobs.

During the April protests, dozens of journalists were beaten, detained and arrested. For example, on April 12, police arrested more than two dozen journalists from Bhrikuti Mandap in Kathmandu as they protested against police atrocities and demanded total press freedom.

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 47 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 Government restricted radio and television broadcasts during the popular uprising in April. The Government did not otherwise restrict access to foreign radio broadcasts, private cable networks, or the purchase of television satellite dishes. Before the uprising, the Government censored FM broadcasts of the BBC English radio service, replacing its 15-minute news service with music. BBC Nepali on shortwave, however, generally continued to be available. After the restoration of parliament, restrictions on radio and television broadcasts were removed.

The Maoists opposed freedom of expression and 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 small, mobile FM radio stations that broadcast propaganda. After the restoration of parliament in May, Maoist radio stations broadcast widely all over the country, including in the capital.

According to Reporters without Borders, Maoist cadres assaulted, detained, wrongly summoned or censored at least eight journalists between April and November.

On January 19, Maoists bombed a state-run television tower in Hetauda.

Internet Freedom.—Human rights activists and politicians reported blocked or monitored Internet service before and during the popular uprising. The Government blocked more than 20 Web sites, including the Maoist Web site, that were hosted in other countries and were not supportive of the King (see section 1.f.). After the popular uprising, 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. According to INSEC, from 2002 through 2005, Maoists abducted 18,852 students and 9,261 teachers from schools for indoctrination programs, and bombed over a dozen schools across the country (see section 1.g.). Despite the cease-fire, the country's media continued to report instances of abduction, extortion, and intimidation by Maoists outside Kathmandu valley.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association; however, the royal government restricted this right in practice. Before and during the popular uprising, the Government restricted freedom of assembly, claiming it was necessary to prevent the undermining of the sovereignty and integrity of the state or for disturbing law and order. After the popular uprising, the new government sometimes restricted freedom of assembly. On June 19, authorities arrested more than 24 female activists after a peaceful protest against lack of female representation in the newly formed government outside Singha Durbar, the main government building in the capital.

Freedom of Assembly.—The law provides for freedom of assembly; although large public demonstrations were common in parts of the country, the Government generally restricted demonstrations before and during the popular uprising. 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 right to assemble is protected under the International Covenant on Civil and Political Rights (ICCPR), to which Nepal is a State Party. The ICCPR requires that any restrictions on assembly are: 1) in conformity with the law; 2) for the objective of national security or public safety; and 3) necessary in a democratic society. The curfews imposed during the April People's Movement, including those on April 5 and 9 in Kathmandu, did not meet the third requirement under the ICCPR, according to the OHCHR.

INSEC reported that government security forces killed 21 people during the popular uprising in April. Police used baton charges, water cannon, rubber bullets, and live ammunition to break up demonstrations.

INSEC reported that during the popular uprising in April, security forces injured 3,723 people country-wide during pro-democracy demonstrations.

Throughout the year local authorities in Kathmandu prevented the Tibetan community from holding public celebrations, including those to venerate the Dalai Lama, although private celebrations were allowed in schools or monasteries. (see section 2.c.).

During the year Maoists deprived citizens of the right to assembly (see section 1.a.).

Freedom of Association.—The law provides for freedom of association, although the Government restricted these rights before and during the popular uprising. The Government claimed it restricted freedom of association in order to protect the country's sovereignty; the Government did not substantially restrict the freedom of association after the April uprising.

Government officials refused to register any organizations whose titles contain the words, "Jesus, Bible, Christian, or church." (see section 2.c.) These groups noted that, unless registered, such organizations could not own land, which is important for establishing churches or burial of members. These groups have been able to register their organizations and practice their faith as NGOs.

In November the Government revoked the registration of the Bhota Welfare Society, a legally formed NGO created to provide humanitarian assistance to Tibetan refugees resident in Nepal. The directors on the board of the NGO were all citizens. The NGO had gone through all legal requirements for registration, and the Government had issued a registration certificate and number to the NGO. The Government nevertheless subsequently revoked the registration of the NGO without explanation.

c. Freedom of Religion.—The law provides for freedom of religion and permits the practice of all religions, but members of minority religions occasionally complained of police harassment. Some Christian groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious belief. In May the restored parliament declared the country a secular state.

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.

The Government restricted to private places (school grounds or inside monasteries) all celebrations by local Tibetans (Tibetan New Year, the Dalai Lama's birthday, Democracy Day, and International Human Rights Day/Celebration of the Dalai Lama receiving the Nobel Peace Prize).

Societal Abuses and Discrimination.—Although prohibited by law, citizens practiced caste discrimination at Hindu temples in rural areas, and such discrimination strongly influenced society.

On March 21, upper caste locals barred dalit (lower caste) youths from entering the Saileshwori Temple in Dipayal by padlocking the temple door.

On August 30, a dalit woman filed a case against a priest alleging that she was not allowed to enter a temple during a religious celebration because the priest would only allow high caste people into the temple.

On September 7, demonstrators in Silgadhi protested the entry of dalits into the local temple. Locals demonstrated after dalits tried to enter the temple.

There were regular reports of Maoists enforcing a "people's calendar" in schools that did not allow for religious holidays. Maoists forced churches to close after the churches refused to meet their demands.

There are no known Jewish adherents in the country except for foreign diplomats and expatriates, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government suspended freedom of movement within the country before and during the popular uprising. The Government prevented many prominent human rights activists and politicians from traveling within, or in some cases leaving, the country before and during the popular uprising. After the restoration of parliament, the Government did not restrict freedom of movement.

In advance of the popular uprising in April, the home ministry released a statement instructing people not to travel to the capital unless absolutely necessary. The Government prevented vehicles transporting groups of people from entering the capital during this time, citing security concerns. The restored parliament lifted these restrictions.

The Government regularly restricted refugees' right to travel freely inside and outside of the country.

Maoists restricted freedom of movement within the country, including forcing transportation strikes and using landmines to target civilian transportation (see sections 1.a. and 1.g.). During the popular uprising, Maoists enforced a nationwide transportation blockade. On September 13, Maoists called a nationwide transportation strike to protest alleged importation of weapons by the Government. On De-

cember 19, the Maoists enforced another nationwide transportation strike to protest the Government's nomination of commissioners to the NHRC.

The law prohibits forced exile, and forced exile 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 UN agencies, including the High Commissioner for Refugees (UNHCR), OHCHR, and the UN Development Program began working with the Government to develop an IDP policy that was consistent with international principles. These agencies estimated a current population of between 100,000 and 200,000 IDPs in Nepal. The Government allowed several international organizations, such as the International Committee for the Red Cross, CARITAS and Action Aid Nepal, to initiate programs to assist IDPs. The Government also requested total contributions of $14 million from donor countries for IDP assistance. According to UN agencies, the main obstacle preventing IDPs from returning was fear of Maoist reprisal and refusal by local Maoist commanders to allow IDPs to return home.

Protection of Refugees.—The law does not provide for the granting of asylum in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol (see section 5), 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 they feared persecution, and the Government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylees. UNHCR maintained an office in Kathmandu and a sub-office in Damak.

Between 1959 and 1989 the Government accepted as residents approximately 20,000 Tibetan refugees, most of whom remained in the country. The Government allowed Tibetan refugees to transit the country. During the year, 2,405 Tibetan arrivals registered with UNHCR for transit to India, and 2,946 reportedly departed. The discrepancy between arrivals and departures was due to a backlog of nearly 1,000 refugees at the end of 2005. Since 1991 the Government has provided asylum to approximately 107,000 persons who claimed Bhutanese citizenship. The great majority of these refugees lived in UNHCR-administered camps in the southeastern part of the country. The Government allowed UNHCR to begin conducting a census of the camps on November 15. Approximately 15,000 additional Bhutanese refugees resided in the country and in India outside of camps. The Government allowed UNHCR to provide services for other asylum seekers, such as individuals from Nigeria and Pakistan. The Government allowed UNHCR unrestricted access to the border areas during the year. UNHCR visited four border districts during the year.

The People's Republic of China and the Government tightened control of movement across the border in 1986, but neither side consistently enforced these restrictions. Police and customs officials occasionally harassed Tibetan asylum seekers who fled China. According to UNHCR, police conduct improved since 1999, although border police sometimes extorted money from Tibetans in exchange for passage. There were unconfirmed reports that Tibetan asylum seekers occasionally were handed back to Chinese authorities after crossing the border. Maoists regularly robbed Tibetan refugees traveling from border areas to Kathmandu.

The UNHCR monitored the condition of Bhutanese refugees and provided for their basic needs, and the Government agreed to allow UNHCR to conduct a census in the Bhutanese refugee camps. The Government accepted the temporary refugee presence on humanitarian grounds. The UNHCR administered camps; the World Food Program (WFP) provided supplemental food assistance; and the Government made a contribution to the WFP earmarked for the refugees.

The Government officially restricted Bhutanese refugees' freedom of movement and work, but it did not strictly enforce its policies. Bhutanese refugees were not allowed to leave the camps without permission, but permission was consistently granted. Local authorities attempted to restrict some of the limited economic activity in the camps permitted by the central government. Violence sometimes broke out between camp residents and the local population.

In September the Government agreed to allow 16 extremely vulnerable Bhutanese refugees to leave the country for resettlement abroad. At year's end, the Government had only allowed three of these refugees to leave.

In May the Government reversed its policy implemented in October 2005 and resumed issuing exit permits to Tibetan refugees transiting to India. The Government continued to allow Tibetans to enter the country, and to apply for and receive UNHCR protection.

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 King reinstated the 1999 parliament in April; according to the November 21 peace agreement, elections were to be held later. In May seven of the largest political parties formed a ruling alliance and chose Girija Prasad Koirala, President of the Nepali Congress Party, as the Prime Minister.

Elections and Political Participation.—Past elections generally were held throughout the country according to schedule, and parliamentary elections are to be held every five years. International observers considered the 1999 elections, the last elections held, to be generally free and fair. The King held municipal elections in February that most political parties boycotted and the international community criticized.

The law bars the registration and participation in elections of any political party that is based on religion, community, caste, tribe, region, or that does not operate openly and democratically. Under the law, individuals may contest elections in the district in which they are on the election rolls, whether independently or with a political party. Most larger political parties had associated youth wings, trade unions, and social organizations. A new chief election commissioner was appointed in November. At year's end, three election commissioners had been appointed, and two others had been nominated to fill vacant positions. Parliament had only promulgated one new election law, allowing people to vote outside their home districts (especially for NA soldiers in barracks or Maoists in cantonments). No other election laws had been promulgated at year's end.

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 in the political process. The law requires that women constitute at least 5 percent of each party's candidates for the House of Representatives. The law also requires that at least 20 percent of all village and municipal level seats be reserved for female candidates. Prime Minister Koirala appointed one woman to his cabinet in May.

No specific laws prevented minorities from voting or restricted their participation in government or political parties on the same basis as other citizens. There were no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group. Members of certain castes traditionally held more power than others. Of the current 20-member cabinet, five members are from ethnic minority communities and one is from the dalit community.

Government Corruption and Transparency.—The law provides for an anticorruption authority, the Commission for the Investigation of the Abuse of Authority, which is mandated to investigate official acts of corruption.

In 2005 the King constituted another corruption investigation body, the Royal Commission for Corruption Control (RCCC), which acted as investigator, prosecutor, and judge. On February 13, the Supreme Court declared the RCCC unconstitutional, ordered it dissolved, and voided all of its decisions.

The law provides citizens with a right to information "on any matter of public importance," except in cases where secrecy is required by law; however, there is no formal legislation providing citizens with access to government information. There were no known examples of this section of the law being tested.

Section 4. Governmental Attitude 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. Before and during the popular uprising, the Government detained a number of civil society members and prevented others from leaving the country or traveling outside the capital (see section 2.d.). In addition, there were complaints of intimidation against human rights NGOs and workers by both the Government and the Maoists. After the uprising, there were no reports of the Government arresting human rights workers, although the Maoists continued to intimidate them.

There were approximately 10 independent, domestic human rights NGOs, including the Human Rights Organization of Nepal; INSEC; the International Institute for Human Rights, Environment, and Development; 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.

The insurgency caused many NGOs to reduce their activities substantially. There were frequent credible claims that Maoists refused to allow human rights NGOs and journalists to enter certain western districts. In addition, Maoists killed and abducted some NGO workers. Even after the cease-fire and peace agreement, Maoists did not allow NGOs to function freely in most districts without their 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 noted that they have not been granted access to courts martial and military investigations.

OHCHR worked with the Government to formulate and implement policies and programs for the promotion and protection of human rights. In the November 21 peace agreement, the Government and the Maoists agreed that OHCHR should continue to monitor human rights abuses.

OHCHR released four reports during the year: the first was the report on torture at the Maharjgunj Barracks of the NA in 2003; the second was a report on Maoist atrocities committed during the cease-fire; the third was a report on excessive use of force by security forces during the popular uprising in April; and the fourth was a report on human rights abuses by the Maoists. The media covered all four reports freely.

After the restoration of parliament, the commissioners of the NHRC resigned under considerable public pressure. In December the Government nominated new commissioners, but Maoist pressure caused the appointments to be suspended. At the end of the year, no commissioners had been appointed to the NHRC. 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 Government has three months to respond. The commission received 518 complaints of human rights violations during the year. The NHRC identified 646 persons who disappeared in government custody and who remained unaccounted for at year's end. According to the NHRC, the Maoists had abducted 184 persons 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 and Maoist 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 caste system operated throughout the country in many areas of daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Women.—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 have led to a greater awareness of the problem. The women's cell of the police received 939 reports of domestic violence during the country's fiscal year, which ended June 15. However, in the absence of a domestic violence law, police were unable, or unwilling, to file cases against the accused.

Police had 18 women's cells in 16 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.

Laws against rape provide for prison sentences of 10 to 15 years for the rape of a child under the age of 10, seven to 10 years' imprisonment for the rape of a child between 10 and 16 years old, and five to seven years for the rape of a woman 16 or older. If the victim is handicapped, pregnant, or mentally retarded, an additional five years is added to the standard sentence. A 2003 Supreme Court order prohibits spousal rape. Between 2004 and September, 178 cases of rape and 26 cases of attempted rape were filed in the court, according to the women's police cell. A survey

conducted by SAATHI, an antitrafficking NGO, 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.

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.

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 witchcraft-related violence during the year, including a case on December 6 in Rautahat in which a woman was forced to eat human feces by neighbors who accused her of practicing witchcraft. 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.

Trafficking in women remained a serious problem throughout the country, and large numbers of women were forced into commercial sexual exploitation in other countries (see section 5, Trafficking). 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.

The citizenship law passed by the parliament on November 26 provides citizenship to anyone born and living in the country before April 1990. For the first time, the law allows citizenship to pass through the mother; 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.

On March 30, the Supreme Court ruled that the provision in the civil code allowing men to divorce women on the grounds of a woman's infertility was contrary to the constitutional guarantee to equality. Under the old law, a married man could seek divorce after 10 years of marriage if a government medical board proved his wife was infertile.

Many other discriminatory laws remain. According to legal experts, there were more than 50 laws that discriminated against women. 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 crippled or infertile.

The November 21 peace agreement called for the rights of women to be protected in a special way. It was unclear at year's end what that would mean in practice.

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, in part due to violence resulting from the ongoing insurgency. Education was not compulsory. However, government policy provided free primary education for all children between the ages of six 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-aged girls were deprived of basic education. The Government claimed that 86 percent of school-age children were attending public schools. There were a reported 1,500 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 (see section 5, Trafficking).

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 cadre. 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 Maoists denied recruiting children. The NA estimated that 30 percent of Maoist guerillas were under the age of 18, and some were as young as 10 (see section 1.g.). The November 21 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 reports of children held in jail or in custody as suspected Maoists; however, all of them were released when TADO was repealed.

There were at least nine cases of female infanticide reported to the police women's cell during the year. Six of these were reported between August and November.

Internal displacement due to the 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 ten 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. 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 nine years of age were trafficked, primarily to neighboring countries. 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 semi-skilled bonded labor, work in circuses, or other purposes. Men were also trafficked for involuntary servitude in Iraq by use of deception and fraud; they generally were promised jobs in other Gulf countries, but were subsequently transferred to Iraq under threat or deception. 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 insurgency, as rural women and children left their homes to seek both employment and security in urban centers. Despite the cease-fire, many women and children were afraid to return home due to Maoist pressure and intimidation.

The Government has a national plan to combat trafficking and a National Rapporteur on Trafficking. However, political instability and security problems associated with the Maoist insurgency hindered the Government's antitrafficking efforts.

According to the Attorney General's office, the Government filed 203 trafficking cases in the district attorneys' offices across the country for one year following July 2005. By July 14, of the 203 cases, 60 resulted in full or partial convictions, 35 in acquittal, and 108 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 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 pre-migration 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.

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. NGOs' unverified estimates suggested that 50 percent of victims were lured to India with the promise of good jobs and marriage, 40 percent were sold by a family member, and 10 percent were kidnapped. 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 nine districts of the country. Women and youth displaced from homes as a result of the insurgency were especially vulnerable to being trafficked.

While the Government lacked both the resources and institutional capability to address effectively its trafficking problem, the Government established a National Task Force at the Ministry of Women, Children and Social Welfare (MWCSW) with personnel assigned to coordinate the response. 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 18 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, which stationed rehabilitated trafficking victims as guards with government officials to intercept trafficking victims at border crossings, reported that some of their female border guards had been attacked because of their work.

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 those 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 was especially common 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 (BDS), an indigenous NGO that worked to protect against discrimination against the lesbian, gay, bisexual, and transgender communities, harassment of homosexuals did not stop after the popular uprising.

On March 14, according to BDS, police arrested 26 transgender people and HIV/AIDS outreach workers in the Thamel and Durbar Marg areas of Kathmandu. They were charged reportedly with "creating a public nuisance" and were taken to Hanoman Dhoka police station in Kathmandu. Several members of the group were later moved to Kalimati police station. They were not permitted to speak to a lawyer for several days.

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 announcement of the cease-fire in May. On November 1, Maoists captured the building of the government-owned Hetauda Textiles Industry and established a party office in the building without permission from the Government administration. On November 15, Maoist-affiliated trade union members locked up six officials of the Gorkha Brewing Company, demanding that they raise salaries and pay a tax on their product to the Maoists. In December the Maoist-affiliated trade union forcefully closed down many hotels and restaurants in the tourist destination of Pokhara, demanding permanent positions and a raise in salaries and benefits.

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 (see sections 5 and 6.d.). 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, according to the International Labor Organization, 12,019 Kamaiyas had received land, 7,149 families had received approximately $143 (10,00 NRS) 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.

The Maoists regularly used forced labor to build roads and carry out other projects. Forced labor by children occurred during the year (see section 6.d.).

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 (six hours a day and six 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 2003 the Government established the minimum wage for children aged 14 to 16 at approximately $22 ($1,580 NRS) per month, with additional allowances of roughly $5 ($359 NRS) per month for food and other benefits. Roughly 60 percent of children who worked also attended school.

Maoists forcibly recruited children, including girls, as soldiers, human shields, runners, and messengers (see section 5).

The Ministry of Labor, responsible for enforcing child labor laws and practices, had a mixed enforcement record. According to the ministry, there were ten labor inspectors employed during the year.

e. Acceptable Conditions of Work.—The minimum monthly wage for unskilled labor has not increased since 2003, when the Government raised it to $27 (1,940 NRS). The law also set monthly minimum wages for semi-skilled labor at approximately $28 (2,011 NRS), skilled labor at approximately $29 (2,084 NRS), and highly skilled labor at approximately $32 (2,299 NRS). Additional allowances for food and other benefits totaled just over $7 (503 NRS) 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 one 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. The head of government is Prime Minister Shaukat Aziz, whom the National Assembly elected in 2004. Domestic and international observers found the 2002 National Assembly elections deeply flawed. The Government was affected by internal conflicts in Balochistan and in the Federally Administered Tribal Areas (FATA). While the civilian authorities generally maintained effective control of the security forces, there were instances when local police acted independently of government authority.

The Government's human rights record remained poor. Major problems included restrictions on citizens' right to change their government, extrajudicial killings, torture, and rape. The country experienced an increase in disappearances of provincial activists and political opponents, especially in provinces experiencing internal turmoil and insurgencies. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Harassment, intimidation, and arrests of journalists increased during the year. The Government limited freedoms of association, religion, and movement, and imprisoned political leaders. Corruption was widespread in the Government and police forces, and the Government made little attempt to combat the problem. Domestic violence and abuse against women, such as honor crimes and discriminatory legislation that affected women and religious minorities remained serious problems. Widespread trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.

The Government's Anti Trafficking Unit (ATU) was fully functional and reportedly resulted in increased arrests and prosecutions of human traffickers. Cooperative efforts between the military, ATU, and international organizations prevented human trafficking resulting from the social dislocation following the 2005 earthquake. Training efforts within the security forces greatly improved treatment of trafficking victims.

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 extrajudicially killed individuals associated with criminal and political groups in staged encounters and during abuse in custody. Through July, human rights observers reported at least 37 instances of encounter killings and 79 killings in police custody.

Police stated that many of these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide; however, family members and the press reported that many of these deaths were staged.

There were no developments in the March 2005 death in custody case of Samiullah Kalhoro, the vice chairman of the Jeay Sindh Muttahida Mahaz.

There were no developments in the January 2005 death in police custody of Abu Bakar Panwhar. A case was charged against Officer Mohammad Rafiq Siyal, Senior Inspector Khamiso Khan, assistant senior inspector Ghulam Shabbir Dasti, and Police Constable Mohammad Aslam after protests by the Sindh People's Students Federation and the Pakistan People's Party Parliamentarians.

On January 13, police arrested Habibur Rehman in a car theft case in Chitral. According to Rehman's father, police tortured Rehman while he was in police custody. Rehman was subsequently taken to district headquarters hospital, where he died on January 16. The doctor stated Rehman was in shock and critical condition from being beaten. At year's end, police had not taken any action.

On July 8, Muslim Town police in Lahore killed a 14 year-old boy named Salman and seriously injured his 15 year-old friend Asqhar. The police fired randomly at the boys and later alleged that Salman was killed in a police encounter, claiming that the boys were armed and shot at the police. According to eyewitnesses, the boys were not armed. The Government began an official inquiry and registered a murder case against constable Munammad Sarwar of the antiterror police. However, authorities did not charge Malik Munir, the SHO who ordered the shooting, or any other Muslim Town police officers responsible for the incident. SHO Malik Munir was transferred after a brief suspension, while the constable remained in custody.

Salman's family was reportedly under pressure not to pursue the case against constable Sarwar in return for a cash payment from his relatives.

There were no developments in the 2004 death-in-custody cases of Nazakat Khan and Syed Qutbuddin Shah or the 2004 killing of Tabassum Javed Kalyar.

The Government frequently investigated police officials for extrajudicial killings; however, failure to discipline and prosecute consistently and lengthy trial delays contributed to a culture of impunity.

Continued clashes between security forces and terrorists in the FATA resulted in 289 deaths, including civilians, militants, and security forces. According to media reports, more than 100 civilians were killed, along with dozens of government security forces, in Balochistan.

On March 1, militants associated with the Taliban movement seized government buildings in Miranshah, North Waziristan. On March 3, the Government began a military operation to retake the buildings. According to Human Rights Watch (HRW), thousands of residents fled Miranshah to avoid the fighting. The Government reported that 140 militants were killed in the fight.

In Balochistan, according to nongovernmental organizations (NGOs), 119 civilians and 57 members of the security forces died as a result of the ongoing insurgency. The Government claims approximately 125 Balochistan Liberation Army militants were killed.

According to Amnesty International (AI) and Human Rights Commission of Pakistan (HRCP), local people in Balochistan demanded a greater share of the revenue generated by their province's natural resources. They resented the slow pace of economic development and persons who settled there from other provinces. A number of Balochi groups sought more rights for the province and campaigned peacefully, while others resorted to violence.

On August 26, militant Baloch nationalist leader Nawab Bugti, 35 of his followers, and 16 military officers and soldiers were killed in an explosion inside a cave in Balochistan. According to the media, Bugti and his followers were killed when the Air Force bombed Bugti's hideout. The media reported that 16 soldiers died in the ensuing battle. The Government stated the officers were trying to reach Bugti to speak to him when an unexplained explosion caused the cave to collapse.

There were reports of politically motivated killings perpetrated by political factions.

There were numerous political killings reported in Karachi, where political parties Muttahida Quami Movement (MQM) and Jamaat e Islami (JI) accused each other of killing political rivals. According to MQM sources, JI activists killed 18 MQM active members. JI accused MQM of killing 11 JI activists. Human rights observers reported that the total politically motivated death toll in Karachi was 31 (see section 3).

In June an Awami National Party activist, Gul Khair Khan, was killed in Nowshera in a street shoot-out. The party blamed the religious extremists of JI and Jamiat Ulema i Islami, Fazlur Rehman group. The police maintained that the shooting happened because Gul Khair Khan was involved in the lending of money. There was no further information at year's end.

During the year, HRW and AI expressed concern about reports and documentary evidence that armed Taliban supporters in the tribal areas engaged in vigilantism and violent acts, including murder.

Attacks on houses of worship and religious gatherings linked to sectarian, religious extremist, and terrorist groups resulted in the deaths of 127 individuals during the year (see section 2.c.). According to HRW, approximately 4,0004 persons, largely from the Shi'a branch of Islam, died as a result of sectarian hostility since 1980. The Ahmadi community claims that 171 of their members have been killed since 1988 and that the Government made little effort to bring those responsible for these and other acts of sectarian violence to justice or to provide protection for the targets or their families.

Religious extremist organizations killed and attempted to kill government officials and Islamic religious figures from opposing sects (see section 2.c.). On February 9, a suicide bomber killed 29 people and injured more than 50 in an attack on a religious procession in the town of Hangu in North Western Frontier Province (NWFP). The explosion disrupted a congregation of Shia marking the Ashura festival and sparked a riot. As a result of the explosion, the Army imposed a curfew. Police arrested three members of Lashkar-e-Jhangvi, a banned Sunni-Deobandi militant organization.

On April 11, terrorists killed 59 persons and injured more than 100 in a bombing at a Sunni (Brelvi Sect) birthday celebration of the Prophet Muhammad in Karachi. Media reports attributed this bombing to intra Sunni violence targeted against the

leadership of Sunni Tehrik. The Government made many arrests and constituted a judicial tribunal, but its report was not released to the public at year's end.

On May 30, a suicide bombing on a Shia mosque in Karachi killed 11 persons, including two worshippers, a policeman, and the other attacker. Police arrested Muhammad Tehsin, a member of the terrorist organization Lashkar e Jhangvi. On September 28, an antiterrorism court sentenced Tehsil to death.

On September 21, unidentified gunmen assassinated Syed Bashir Hussain Bukhari, an 85-year-old Shia religious leader in the main bazaar of Sargodha, Punjab. The assailants fled after the firing, and no one claimed responsibility for the attack.

In June 2005 a Karachi antiterrorism court convicted Gul Hasan for murder and sentenced him to death for the May 2005 bombing of a Shi'a mosque that killed 45 persons.

There were no developments in any of the cases of attacks on houses of worship that occurred in 2004.

The Government had not conducted investigations on the sectarian violence from 2005, including the March 2005 bombing of the shrine of Pir Syed Rakheel Shah, which killed 40 and wounded more than 100; the May suicide bombing of the Bari Imam shrine, which killed 20 and wounded more than 100; or the May suicide bombing of a Shi'a mosque in Karachi, which killed five and injured 30. No one was arrested for these actions. The trial of members of the radical Islamist Jandullah group implicated in attacks on foreigners and government officials in 2004 continued at year's end. There were no developments in the other 2004 cases of the killing of government officials and religious figures, or terrorist attacks on foreign targets.

Foreign terrorists and their local tribal allies attacked and killed military personnel, government officials, and progovernment tribal chiefs in the FATA. There were some investigations but no arrests in the 2005 killings of progovernment chiefs in Waziristan.

A report released by the HRCP in January noted with concern that armed Baloch fighters opposing the army's presence laid landmines, as a result of which civilians were indiscriminately killed and maimed.

On January 16, three children were reportedly killed in Kahan by aerial bombing, and on February 7, 13 persons were killed by a bomb planted by armed fighters.

On November 8, a suicide bomber killed approximately 42 soldiers at they exercised at an army training school in Dargai, NWFP. According to media reports, the attack was allegedly carried out by Tanzim Nifaz Shariat Mohammadi, which has links to the Taliban.

On January 7, months after militants killed the tribal elder of South Waziristan, Malik Khandan Khan, unidentified assailants killed five members of Khan's family in an attack on their vehicle in Wana. Khan's two sons, a nephew, and two grandchildren died on the spot. Because the attack took place in FATA, there was no police investigation.

On May 19, suspected militants killed another senior progovernment tribal chief of the Dawar tribe, Tooti Gul, in the Khaddi area of Miranshah in North Waziristan.

On July 22, suspected tribal militants killed three top progovernment tribal elders, six of their close relatives and one bystander in three separate incidents at different places in South Waziristan. In the first incident, armed individuals killed chief of Ahmadzai Wazir tribe Malik Mirza Alam Khan, his two brothers, son and nephew when they opened indiscriminate firing on their vehicle at Dazja Ghundai near Wana. In the second incident, armed militants at Karama in Laddha Teshil shot Malik Khandan Khan along with his son and a close relative. Meanwhile, government agencies recovered the body of Malik Taj Muhammad, who had been killed by unknown assailants.

Honor killings continued to be a problem, with women as the principal victims. During the year local human rights organizations reported between 1,337 and 1,511 cases. Most took place in Sindh. Many more likely went unreported (see section 5).

b. Disappearance.—There was an increase of politically motivated disappearances. Police and security forces held prisoners incommunicado and refused to provide information on their whereabouts, particularly in terrorism and national security cases.

AI cited a report issued by HRCP in late January, which found "scores of cases of arbitrary arrests and detention, torture, extrajudicial killings, 'disappearances' and uses of excessive force by security and intelligence forces committed in Balochistan since early 2005." AI cited a January statement by self-exiled Senator Sanaullah Baloch, who noted that at least 180 people died in bombings, 122 children were killed by paramilitary troops, and hundreds of people were arrested since the beginning of the campaign in early 2005.

According to the NGO Asia Human Rights Commission (AHRC), during the year more than 600 people disappeared after being taken into custody, including 200 persons from Sindh. AHRC reported that in Balochistan, 1,000 persons had been killed since military operations began in 2001. According to a statement by the federal minister for internal affairs, more than 4,000 persons were arrested in Balochistan since the beginning of 2005, although many were released shortly after their arrests.

NGOs such as AI and AHRC reported that the Government increasingly used the war on terror as an excuse to arrest and detain political opponents. They noted the judiciary's inaction in answering habeas corpus orders filed by family members. According to AI, "The practice of enforced disappearance, which was rare before 2001, has become more common in contexts besides the 'war on terror.' Over the past two years, dozens of Baloch nationalists are believed to have been subjected to enforced disappearance and there are recent reports that leaders of Sindhi parties and members of the Shi'a minority have as well."

Families of some missing Baloch and Sindh nationalists have petitioned the courts for redress, claiming that government agencies held their relatives without due process. On November 10, the Supreme Court ordered the Ministry of Interior to disclose the whereabouts of 41 illegal detainees. Since then, 25 have been released, according to the Government, although human rights groups have only accounted for 18.

On September 29, AI released a report entitled "Human Rights Ignored in the 'War on Terror'" that documented the Government's abuses against hundreds of its citizens and foreign nationals. AI reported that as the practice of enforced disappearance spread, people were arrested and held incommunicado in secret locations with their detention officially denied. They were at risk of torture and unlawful transfer to third countries. The report noted that the "practice of offering rewards running to thousands of dollars for unidentified terror suspects facilitated illegal detention and enforced disappearance."

During the year there was no update on the case of Arifa and Saba Baloch, charged as potential suicide bombers in 2004.

According to AI, security forces detained two leaders of a Baloch political party, the Jamhoori Watan, Abdul Rauf Sasoli, and Saeed Brohi. On February 3, two plainclothes police officers picked up Sasoli, and on March 10, they picked up Brohi. According to AI, authorities denied holding the individuals. Family members feared that they were being held and were in danger of being tortured.

On February 24, a group of 16 men, presumed to be plainclothes police officers, seized Dr. Safdar Sarki, an American citizen and a Sindhi nationalist, in Karachi. According to AI, witnesses saw Sarki being taken in a van, "blindfolded and bleeding." AI reported that police ransacked Sarki's apartment and took his laptop computer and passport. Sarki was the secretary general of the Jeay Sindh, a Sindhi nationalist political organization advocating for the rights of Sindhi citizens.

On April 4, Muneer Mengal, managing director of the first Baloch satellite television channel, disappeared after he returned to Karachi from Bahrain. His sister, Aziza Mangal, reported that the Government did not accept her appeals and petitions to gain access to her brother, who was reportedly being held by the Inter-Services Intelligence. At the end of the year, his whereabouts remained unknown.

On June 11, police arrested Naser Baloch, a Baloch student leader at Karachi University. Security agencies detained Baloch and did not bring any charges against him. On August 19, police released Baloch.

In early July, Bilal Bugti, the younger brother of Jamhoori Watan Party Secretary General Agha Shahid Bugti, and Murtaza Bugti, the son of Balochistan's first finance minister, Ahmed Nawaz Bugti, were allegedly kidnapped by intelligence agencies in Karachi.

On July 16, intelligence agencies arrested Samiullah Baloch and Obaidullah Baloch, brothers of Senator Sanaullah Baloch Zehri (Baloch National Party). Authorities released Obaidullah Baloch on July 19 and Samiullah on December 10. Both brothers allegedly reported being tortured while in custody.

In 2005 political opponents kidnapped Moto Meghwar and Gyan Chand Meghwar, potential candidates for local office in Chachro, Tharparkar District, reportedly to keep them from contesting the elections against candidates of the chief minister of Sindh Province. They were both released unharmed in January, and no charges were brought against their kidnappers.

On October 4, police from the Anti-Terrorism Force of the Punjab police reportedly picked up Abid Raza Zaidi in Lahore, Punjab. The victim disappeared soon after he gave testimony about his earlier illegal arrest, prolonged 110 day detention and alleged constant abuse by the army and police officers. Prior to this arrest, Zaidi had protested his treatment in custody at a conference jointly organized by AI and

HRCP. No habeus corpus application was filed on his behalf and he was not produced before a court of law. At the end of the year, his whereabouts remained unknown.

On September 29, according to AI, Afghan national Abdur Rahim Muslim Dost was arrested without a warrant in Peshawar. AI reported that Dost was allegedly arrested due to his criticism of government agencies which had arrested, detained, and transferred him and his brother to a third country.

On December 3, during a protest in Karachi against the death of Baloch leader Akbar Bugti during a military operation, police arrested two Balochi political party leaders, Ghulam Muhammad and Sher Mohammad Baloch of the Jamhoori Watan Party. On December 6, family members filed a habeas corpus petition on behalf of the two disappeared politicians with the Sindh High Court. Sher Muhammad was later released, but Ghulam's whereabouts remained unknown at year's end.

There were no developments in the December 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 November 2005 disappearance of Dr. Hanned Shareef, a writer, medical doctor, and member of the Balochistan Student Organization.

There was no new information available on a British national who disappeared after being detained by security agencies at Lahore University in January 2004.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment; however, security forces tortured and abused persons. Under provisions of the Anti Terrorist Act, coerced confessions are admissible in special courts, although police did not use this provision to obtain convictions. Security force personnel continued to severely abuse persons in custody throughout the country. Human rights organizations reported that methods included beating, burning with cigarettes, whipping the soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, use of electric shocks, and forced spreading of the legs with bar fetters. Security force personnel reportedly raped women and children during interrogations.

During the year, the NGO Lawyers for Human Rights and Legal Aid recorded 1,513 cases that they labeled torture. The NGO Asia Human Rights Commission reported approximately 1,319 cases of torture during the year. In May the NGO reported over 1,250 cases being committed during the previous 16 months, with most reported in Punjab and Sindh. Punjab had 743 cases, Sindh had 503, eight were reported in Balochistan, 43 in NWFP, and 23 in Islamabad. Torture occasionally resulted in death or serious injury (see section 1.a.).

On February 19, police arrested Arif Ali and Irfan Ali in Multan and charged them with murdering a jeweler. Police reportedly tortured both detainees while they were in custody. Irfan Ali developed kidney problems because of his abuse and was released in April. Arif was released in May, after their family appealed to the family of the dead jeweler. Local political and social leaders also called on the police to produce evidence against the accused. According to human rights NGOs, Station House Officer (SHO) Sadaat Ali admitted there was no proof that either Irfan or Arif had been involved in the murder. No charges were brought against SHO Ali.

On July 11, three policemen in Adiala Jail allegedly tortured and beat Gul Waiz when Waiz threatened to complain about the bribes the police forced his family to pay when they came to visit him. Waiz reported severe beatings and the withholding of all food. On July 17, Waiz's condition deteriorated, and he was moved to the jail hospital. After his family hired a lawyer, jail Superintendent Nadeem Kokab Warraich promised the Civil Court Rawalpindi that he would hold an independent inquiry and take appropriate action against the culprits. One constable, Muhammad Idrees, was suspended for the month of August. No action was taken against the other police officers involved.

In October police arrested Muhammad Arshad, a young shopkeeper, for "misbehaving" with a female customer at his small grocery store. Police held Arshad at the Banni Police Station in Rawalpindi, where they reportedly broke his leg while beating him after he verbally abused the inquiring officer. Police maintained Arshad slipped in the toilet and twisted his ankle. Arshad was taken to a hospital and later discharged. No inquiry against the perpetrators was held, and police dropped the case against Arshad.

In June Shahnaz Fatima and Javeria Alam complained to the special superintendent of police Islamabad that they were sexually assaulted at a police station in Islamabad after the police illegally picked them up. Police maintained that both were prostitutes and were negotiating with some clients on the roadside. Fatima and Alam escaped but were later brought to the police station. After approximately two weeks, the complainants withdrew their petition from the Office of SSP,

Islamabad. The SHO of the police station Idrees Rathore, reportedly coerced the petitioners and also paid money to have them withdraw the complaint against him and his staff.

In July policeman Liaqat Ali was arrested for allegedly raping a rape victim who went to a police check point in Islamabad to report being attacked. The accuser, Ms. Surriya, went to the check point along with her mother to complain about the incident. Ali requested the mother to wait at the check point while he pretended to take Surriya to the police station for further investigation and medical checkup. Surriya reported that Liaqat instead took her to a house and sexually assaulted her. She filed a complaint in Islamabad civil courts and at the Office of SSP Islamabad. The civil court ordered an inquiry into the complaint, and Liaqat Ali was suspended from his job and arrested. Ali remained in prison at the end of the year.

In May 2005 police claimed to have resolved the April 2005 case involving Shabbir Hussain, Zafar Abass and Muhammad Sadiq, in which they claimed they were detained, beaten, and forced to drink urine and eat mud. According to press accounts, the police apologized but denied that they made them drink urine or eat mud. The matter was settled informally when the accusers withdrew their charges through a gathering of local notables.

In June 2005 the Multan Bench heard a case against eight police in Vehari accused of sewing shut the lips of Mohammad Hussain, and ordered that the victim receive medical treatment. While the case against the eight progressed, there was severe social pressure on Hussain to accept an apology and a cash settlement from the eight policemen, according to press accounts.

The Hudood Ordinances provide Koranic punishments for violations of Shari'a (Islamic law), including death by stoning and amputation. Authorities did not use such punishments during the year, as they required a high standard of evidence.

According to human rights organizations such as HRW and HRCP, security forces sometimes used excessive force in combating domestic insurgencies in FATA and Balochistan, which resulted in civilian deaths (see section 1.a.).

There were also incidents of societal violence against members of religious minorities such as Christians, Ahmadis, and Shi'as (see section 2.c).

Honor killings and mutilations, including cutting off of women's noses and stripping women naked to dishonor them, occurred during the year (see section 5).

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 the Society for Human Rights and Prisoners Aid (SHARP), there were 86,500 prisoners occupying 87 jails originally built to hold a maximum of 36,075 persons. The number declined from the previous year because on July 1, President Musharraf ordered the release of children and prisoners charged with petty offenses. Others were released as part of the religious festivals of Eid-ul-Fitr and Eid-ul-Azha. During the year the Government began a prison expansion and improvement program.

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 country.

Authorities routinely shackled prisoners, including juvenile prisoners. The shackles were tight, heavy, and painful and reportedly led to gangrene and amputation in several cases.

Police held female detainees and prisoners separately from male detainees and prisoners. Child offenders were generally kept in the same prisons as adults, albeit in separate barracks. According to a BBC report, an independent NGO investigation found that 70 percent of children who came into contact with the police were abused in some way. Since the children were not separated from adult prisoners, they were also subject to sexual abuse. The report noted that the majority of the children were pre-trial prisoners, who were often acquitted one to three years later for lack of evidence. 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 (see section 5).

There were reports of prison riots, largely due to the poor living conditions inside the prisons. According to an Islamabad based NGO, inmates complained about their treatment by jail staff and the "culture of bribery" that prevailed at various levels of jail administration. Few resources were allocated to the maintenance of prison facilities.

In June 2005 inmates at the Sargodha jail took two assistant superintendents and four wardens hostage to protest mistreatment. In the ensuing clash, nine inmates and one guard were injured. One of the inmates later died from injuries sustained during the riot. An investigative committee found three main culprits, including jail

inspector Asghar Syed guilty of mistreating the prisoners. Syed was suspended from service and two years of his service were taken from his retirement plan. The report blamed Syed for the use of excessive violence to quell the protest. The punishment of the other two accused was not known. The prison department gave the relatives of the prisoner who died a compensation of $3,300 (Rs 200,000).

On April 3, three prisoners in Adiala jail in Rawalpindi went on a hunger strike against jail officials for not granting visitation rights to their relatives. When the police tried to force feed the prisoners, a prison riot ensued. All 5,000 inmates of Adiala jail subsequently went on a hunger strike and clashed with police, injuring three police officers and 11 prisoners. Provincial prison authorities resolved the issue through negotiation between the prisoners and jail administrators.

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 women's rights NGOs, there were approximately 2,500 women in jails jail nationwide at the end of the year, following the July 1 Presidential order to release several thousand women and children who were imprisoned for petty offenses.

Authorities subjected children in prison to the same harsh conditions, judicial delay, and mistreatment as the adult population. Local NGOs estimated that approximately 2,317 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 majority. 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. Facility staff reportedly trafficked drugs to children incarcerated in these institutions.

The Supreme Court continued the suspension of a December 2004 Lahore High Court ruling that struck down the Juvenile Justice System Ordinance as unconstitutional. The ordinance is a separate procedural code for accused juveniles. It provides numerous protections for juvenile offenders not found in the normal penal code.

Landlords in Sindh and Punjab, as well as tribes in rural areas, operated illegal private jails. According to a BBC report, a religious seminary in Haripur, NWFP, headed by Maulana Ilyas Qadri was used as a private "jail" to treat drug addicts. In October police raided the seminary and freed 112 persons, including seven British nationals. Police reported that they were held in chains. Some bore signs of torture and sexual abuse.

Persons held for political offenses, or on "national security" grounds, were usually 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 (see section 1.d.). Visits by local human rights monitors occurred during the year; however, the Government denied the International Committee of the Red Cross (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. Under the Police Order (Second Amendment) Ordinance promulgated on July 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. Persons paid police to humiliate their opponents and avenge personal grievances. Corruption was most prominent among police station 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, however, 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 offi-

cers, district nazims, provincial interior or chief ministers, 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. However, these mechanisms were rarely used. Police often failed to protect members of religious minorities particularly Christians, Ahmadis, and Shi'as from societal attacks (see sections 2.c. and 5).

The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights. In July 2005 President Musharraf reissued and amended the 2002 Police Order, which transfers oversight responsibility of police from provinces to districts and establishes the district level chief executive as principal supervisor. The order also calls for the immediate establishment of local oversight bodies that have been stalled since 2002. In Punjab and NWFP, public safety commissions were established and functioned. Similar commissions in Balochistan and Sindh were not as well developed. The Government argued that these reforms would make police more responsive to the local community. Opponents charged that they would politicize the police force.

Arrest and Detention.—A First Information Report (FIR) is the legal basis for all arrests. Police may issue FIRs provided 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, and then only if police show such detention is material to the investigation. In practice the authorities did not fully observe these limits on detention. FIRs frequently were issued without supporting evidence as part of harassment or intimidation or not issued 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 (see section 1.c.). 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.

The 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 (see sections 1.c. and 5). Police also detained relatives of wanted criminals to compel suspects to surrender (see section 1.f.). 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. Despite repeated requests to ascertain the whereabouts of "disappeared" foreign citizen Safdar Sarki, diplomats were denied both information about his whereabouts and access (see section 1.b.). 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 six months. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held in preventive detention indefinitely. A magistrate may permit continued detention for up to 14 days if necessary to complete the investigation. In corruption cases, the National Accountability Board (NAB) may hold suspects indefinitely provided that judicial concurrence is granted every 15 days (see section 1.e.).

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 non bailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for non bailable 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 six 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 (see section 2.b.).

Several dozen Mohajir Quami Movement Haqiqi (MQM H) activists, arrested between 1999 and 2003, remained in custody at year's end, some without charge for violent acts against members of other parties as well as expressing views critical of the Government. MQM H claims that their enemy, the MQM, is behind these delays.

On December 1, President Musharraf signed the Women's Protection Bill, which reversed the most negative aspects of the Hudood Ordinances. Although, according to human rights monitors, 80 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances, few if any of those women had been released at the end of the year, despite the new law. Most of these cases were filed without supporting evidence, trials often took years, and bail was routinely denied. The Hudood Ordinances were used by family members to control their children for making their own choices in marriage, abusive husbands, or neighbors to settle personal scores. According to the NGO Asian American Network Against Abuse, research in the country's prisons showed that many of women imprisoned under zina (adultery or fornication) laws were single or widowed women living alone, young brides who make their in-laws angry for not bringing enough dowry, or elderly women whose husbands did not want to be married to them anymore. There were also several cases of pimps who filed zina charges against women who were trafficked and refused to work.

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, are 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 (see section 1.d.). 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 that 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 a year without charges.

In June 2005 the Government assigned a security detail to Mukhtiar Mai (Mukhtaran Bibi), at her request. Mai was concerned for her safety following the court-ordered release of five men convicted in her 2002 gang rape ordered by a village council because of an alleged infraction committed by her brother. Human rights groups claimed that when the Government learned Mai wished to travel abroad to speak publicly of her experience, the protection detail controlled her movements and communication, such that she was under virtual house arrest. The Supreme Court later intervened and suspended the acquittals of the five men as well as the eight who were acquitted in the original 2002 trial. All remained in custody.

On July 22, Sarhad police arbitrarily arrested 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 AHRC, Ahmed was falsely implicated in a kidnapping case. AHRC reports 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.

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 were generally considered credible. 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. According to the AHRC, more than 15,000 cases were pending before the Supreme Court. Ordinary cases take a minimum of five to six years, while cases on appeal can take as long as 20 to 25 years.

There were several court systems with overlapping and sometimes competing jurisdictions: criminal, civil and personal status, terrorism, commercial, family, military, and Shariat.

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 tribal penalties on perceived wrongdoers that could include fines, imprisonment, or even the death sentence. 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 (see section 5).

Many tribal jirgas instituted harsh punishments such as the death penalty or watta-satta (exchange of brides between clans or tribes) marriages (see section 5).

The Supreme Court had a history of annulling the rulings and validity of the military courts trying civilians. A civilian prime minister, Nawaz Sharif, established military courts in 1998 to dispense "quick justice." The human rights and the lawyers' community appealed to the Supreme Court to invalidate military courts on the grounds that they operated outside the rule of law. A 1999 Supreme Court decision invalidating military courts was not implemented. The Supreme Court continued to attempt to nullify military court decisions involving civilians. However, this was often difficult since judges were under an oath required by the 1999 Provisional Constitutional Order, which forbids court review of actions taken by the chief executive (President Musharraf's title at the time) or his designees.

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 pressures, 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 seven working days, but judges are free to extend the period as required. 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 (see section 1.d.), including defaults on government loans by wealthy debtors brought by the NAB. The NAB has not targeted genuine 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 pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted (see section 1.d.). The NAB prosecuted no serving members of the military or judiciary, which rely on courts marshal and Supreme Judicial Council venues, respectively.

On December 1, President Musharraf signed into law the Women's Protection Act, which rolled back the most negative sections of the Hudood Ordinances, particularly those sections that had dealt with sexual relations. The zina clause had made it difficult for rape victims to seek justice and put them at rise of prosecution for fornication. Sections of the Hudood Ordinances that remain in effect, such as those prohibiting gambling, alcohol, and some property offenses, are tried by ordinary criminal courts. The ordinances set strict standards of evidence, which discriminate between men and women and Muslims and non Muslims, for cases in which Koranic punishments are to be applied (see sections 1.c. and 5). For Hudood cases involving the lesser secular penalties, different weight is given to male and female testimony in matters involving financial and contractual obligations. The Hudood ordinances do not apply to non-Muslims, although non-Muslims can be implicated in cases that involve wrong-doing by Muslims.

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.

The Federal Shariat Court is the court of first appeal in all Hudood cases that result in a sentence of more than two 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 tenants, but such cases are appealed to the Shari'a bench of the Supreme Court and may ultimately be heard by the full Supreme Court.

In September the Supreme Court heard a case of a 13 year-old rape victim who gave birth after she was raped while captive of a government official. On September 28, the Chief Justice remarked that efforts to charge the girl with fornication demonstrated that the police were a "highly negligent department," unaware of their fundamental duties without the court's assistance.

The law allows for the victim or his/her 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 have never been used.

The FATA have a separate legal system, the Frontier Crimes Regulation, which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe or to blockade a fugitive's village, pending his surrender or punishment by his own tribe. 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.

Political Prisoners and Detainees.—Some political groups claimed their members were marked for arrest based on their political affiliation (see sections 1.c. and 1.d.). In 2001 police arrested Syed Yousaf Raza Gilani, a former speaker of the National Assembly and an accountability court in Rawalpindi charged Gilani with misusing his position. On October 5, Gilani was released on bail. Pakistan Muslim League-Nawaz (PML N) leader Javed Hashmi remained in jail, sentenced to 27 years on sedition charges in 2004 after reading in the cafeteria of the National Assembly a letter critical of the military. His appeal was ongoing at year's end.

According to Baloch nationalist political leaders and human rights organizations, there were more than 500 Baloch nationalist political prisoners who had been detained by military intelligence and security forces since the military operation began in the province in December 2004. The exact number of the prisoners was not available. The Government denied imprisoning people because of their political beliefs, but it was commonly and widely believed that there were hundreds of Sindhi and Baloch nationalist leaders and activists imprisoned without any formal charges.

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 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. While 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 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.

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 that 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), 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 that 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 (see section 2.c.).

In some cases, authorities detained relatives to force a family member who was the recipient of an arrest warrant to surrender (see section 1.d.). NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists (see section 1.b.).

Human rights NGOs expressed concern with the Frontier Crimes Regulation (FCR) Act, noting that it applied the concept of collective punishment. According to HRW, the FCR empowered authorities 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.

AI reported that under the FCR, people suspected of committing criminal offenses did not have legal representation at a formally constituted tribal jirga or council which submits its recommendations regarding convictions or acquittals to a Political Agent. There is no possibility of appealing against conviction or punishment under the FCR, as the judiciary's appellate powers do not extend to the FATA.

Reports of religious extremists forming parallel administrations, including justice administrations, in FATA increased during the year. For example, on March 26, AI reported that Hayatullah Gul in Tiarza, South Waziristan, was shot by the father of taxi driver who Gul allegedly killed two weeks earlier. The decision to sanction the shooting was made by a council of persons described in the media as "local Taliban." Gul had no legal counsel to assist him and no possibility to challenge the conviction and punishment. Gul was not brought before a proper jirga, and his case was not decided by the Political Agent for South Waziristan.

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, some journalists were harshly intimidated and others practiced self censorship. Newspapers and periodicals had to be given permission by the Kashmir Council and Ministry of Kashmir Affairs in order to publish within the territory. According to HRW's recently released report on Azad Kashmir, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.

There were numerous English and Urdu daily and weekly newspapers and magazines. All were independent. 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.

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, Indus, and Khyber all broadcast domestic news coverage and were critical of the Government. Cable and satellite television with numerous international news stations was generally affordable. 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. International radio broadcasts, including from the BBC and the Voice of America, were available.

Newspapers were free to criticize the Government, and most did so. Condemnation of government policies and harsh criticism of political leaders and military operations were common. Media outlets practiced self-censorship for fear of government agents engaging in retribution against papers and journalists critical of certain governmental policies.

There was an increase in government arrests, harassment, and intimidation of journalists during the year. According to the NGO AHRC, the Government banned three FM radio stations and two television channels, although service was restored after protests from civil society.

According to Internews, an NGO that monitors the state of the media in the country, there were 127 attacks against the media and journalists during the year. By the end of the year, at least five journalists had been killed; nine abducted (of which seven were later released without charges being filed against their abductors); 191 attacked, beaten, tortured, or shot at; 45 arrested; four jailed; and 13 threatened. In addition 15 publications, 3 television channels, and 23 Web sites were temporarily banned; three newspaper presses were raided; one FM station was sealed. Seventeen journalists and media organizations were going through court cases; 30 were prevented from covering official functions; and 11 newspapers or magazines were denied state-sponsored advertising from public funds for being critical of government policies. Internews believed that many cases were not reported because journalists in small cities and towns functioned at the mercy of local authorities and were reluctant to complain of intimidation, even if they knew where to register their problems.

In December 2005 unknown assailants kidnapped journalist Hayatullah Khan from North Waziristan. According to the Committee to Protect Journalists (CPJ), on June 16, Hayatullah was found dead, handcuffed, and shot in the head from behind. Khan's family accused intelligence agencies of the crime. According to the CPJ, Khan reported on a December 2005 explosion in the town of Haisori in North

Waziristan that the Government claimed killed a senior Al-Qaeda commander. Colleagues suspected that authorities detained Khan after he contradicted a government report that the senior leader died when munitions exploded inside a house. Khan quoted local tribesmen as saying the house was hit by a missile fired from an aircraft.

According to CPJ, on January 14, authorities in Bajaur Agency, FATA, briefly detained two journalists who were reporting on an incident in Damadola village, where missiles were fired into three houses. Both security forces and militants allegedly warned Daily Times bureau chief Iqbal Khattak and BBC World Service correspondent Haroon Rashid against reporting in the area. According to CPJ, few journalists remained in Waziristan, FATA, after attacks and threats from security forces and militants forced many to flee.

According to the CPJ, intelligence agencies illegally detained GEO television correspondent Mukesh Rupeta and cameraman Sanjay Kumar on March 6. In June, the Government filed criminal cases against Rupeta and Kumar and accused them of filming a government air force base in violation of the Official Secrets Act. According to international news reports and human rights organizations, Rupeta was tortured while in custody. On June 22, family members reported that the two men were kept blindfolded and that Rupeta and Kumar were released.

On May 30, Munir Ahmed Sangi, a cameraman for the Sindhi-langauge Kaswish Television Network, was killed while covering a gunfight between members of the Unar and Abro tribes in Larkana. According to the Pakistan Federal Union of Journalists, Sangi may have been deliberately killed by the Unar tribe since he had been reporting on their tribal council.

On June 6, men associated with a provincial minister, Sohrab Sarki and a member of the National Assembly from the Pakistan's People's Party party, Bijarani, beat and ransacked the office of a journalist named Sarmad who worked for a Sindhi television station. Sarmad had reported on the outcome of a jirga decision related to a 12-year-old murder case. The jirga, which included the local feudal landlords and district mayor, had ordered the murderers to hand over five girls not exceeding the age of 10 to the members of the deceased family as compensation.

On July 2, police arrested Mehruddin Mari, a reporter for the Sindhi language newspaper the Daily Kawish who had reported on human rights abuses at a police roadblock near Golarchi, in southern Sindh. Other reporters witnessed the police picking up Mari. At the end of the year, Mari remained missing.

On August 23, authorities in NWFP, under orders from the Pakistan Electronic Media Regulatory Authority (PEMRA), closed radio station FM 103 for airing the concerns of earthquake victims who had not received relief or rehabilitation assistance. The officials at FM 103 strongly criticized the Government for banning their transmission and filed an appeal in the district court of Mansehra. Prior to the closure, the Earthquake Relief and Rehabilitation Authority had warned FM 103 to "mend its ways."

On September 3, police and intelligence agencies arrested Rafiq Ajis, editor of the daily Chamag in Turbat, Balochistan, and Abdul Sattar Khan from Chiniot, Punjab. On September 20, Saeed Sarbazi from Karachi, Sindh, was arrested. On September 23, intelligence agencies released Sarbazi and confirmed that he had been detained by intelligence agencies without charge. According to the CPJ, Sarbazi told reporters that he was dragged by unknown kidnappers who covered his face with his shirt. Sarbazi alleged being interrogated about his personal and professional life, including his connection with the Baloch Liberation Army. Sarbazi had written recently of disputes over access to political unrest in Balochistan.

On September 13, private guards of Federal Minister for Labor and Manpower Ghulam Sarwar Khan severely beat a senior journalist, C.R. Shamsi, inside the Parliament premises. Shamsi had asked the minister, who later apologized to other media personnel for the incident, about a legal case pending against him. No one was arrested for the incident.

On September 15, two masked gunmen killed 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. By the end of the year, police had not made any arrests.

On September 16, police beat and seized the equipment of two journalists, Wadood Mushtaq from ARY and Zahid Malik from ATV along with cameraman Nazir Awan from ARY at a religious congregation in Minar e Pakistan in Lahore. They had filmed police demanding bribes from participants in the rally. The journalists also filmed the police impounding buses under false pretenses. All three were treated for multiple fractures. By the end of the year, the police officer involved, Mukhtar Shan, had not been charged.

On September 17, Shakeel Anjum, a senior correspondent for the News, was included in a FIR involving a triple murder case in Islamabad. He had written a series of articles highlighting problems in the police, and the SHO of the Shehzad Town police included his name in the FIR. On October 16, the police cleared him. The CPJ alleged that the FIR was punishment for Mari's criticism of the police.

On September 17, officials in Punjab directed cable operators in the province to stop airing the ARY Digital television network after ARY repeatedly broadcast the beating of the three journalists at Minar e Pakistan. The Government allowed the network to resume broadcasting a week later. A similar incident took place on September 26 after officials in Punjab forced cable operators in Taxila, Wah Cantonment to stop broadcasting ARY on September 26 and 27.

On November 8, PEMRA allegedly verbally instructed cable operators throughout the country not to transmit a Bangkok-based television network, Sindh Television. According to AHRC, the Sindhi channel had gained popularity for highlighting government mismanagement. In late October the channel had broadcast a satirical show about high-level government officials, including the President and prime minister.

On November 20, unknown individuals in plainclothes illegally detained Dilawar Khan Wazir, a BBC correspondent and reporter for the Daily Dawn. The kidnappers released Wazir after detaining and beating him for approximately 30 hours. During his interrogation, Wazir's captors allegedly questioned him about his reporting in South Waziristan. Observers and human rights groups believed security services were responsible for Wazir's kidnapping and torture.

On December 19, a British reporter working for the New York Times in Pakistan and Afghanistan, Carlotta Gall, was assaulted by military intelligence officers for covering a story in Quetta. The officers searched Gall's room and took her equipment. Gall's photographer was detained and released a few hours later.

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, President Musharraf ordered police to take action against radical publications. There were no reported cases of such crackdowns during the year.

Court rulings mandate the death sentence for anyone blaspheming against the "prophets." The law 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 outrage religious feelings (see section 2.c.). This law 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. 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. Telecom authorities claimed that Internet access had risen by 750 percent in five years (10.5 million total subscribers during the year, compared with 1.2 million in 2001), and service existed in nearly all of the country's urban areas.

On April 23, according to the AHRC, the Government shut down four Web sites that focus on the area of Balochistan. The Government said the sites had spread misinformation. Supporters of the sites believed that sites were shut down because the news offered on these sites detailed military operations in Balochistan.

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, well armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (IJT)(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 those admitted to the universities, and sometimes also influenced the use of funds of the institutions. 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, shuts down its in-bus movies and music when it crossed the Attock river into NWFP. 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 were no incidents of government crackdowns 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, and the Government generally observed these rights, but with some restrictions.

Freedom of Assembly.—While the law provided for this right, in practice, the Government placed selective restrictions on the right to assemble and sometimes refused permits for processions in urban areas. Ahmadis have been prohibited from holding any conferences or gatherings since 1984 (see section 2.c.).

The HRCP expressed concern that the Government had permitted a rally on April 8 of the banned terrorist organization, Sipah-e-Sahaba Pakistan, during which the participants preached violence against non-believers and sold videos depicting violent acts.

Police often used preventive detention and excessive force against demonstrators.

On February 2, police detained leaders of the Jammu and Kashmir Liberation Front, including Amanullah Khan. Police detained Khan after he attended a peaceful demonstration in Rawalpindi against the construction of the Basha Dam in the Gilgit region of the Northern Areas. According to AI, Khan was not permitted to receive visitors, and his health deteriorated during his one-week detention.

On April 15, police baton charged and used tear gas to disperse a rally of journalists and human rights activists in Choa Saidan Shah, Chakwal, Punjab, when they demanded compensation for the owners of two shops that caught fire during the Government's anti encroachment drive. Police also registered two criminal cases against Chaudhary Farzand Ali, President, and Malik Wazir Muhammad, secretary general, of a journalists' union, citing their disruption of the public order. Police also injured local human rights activist Chaudhary Nematullah.

On August 22, approximately 2,000 teachers of the Sindh Employees Alliance protested in front of the Karachi Press Club against the Government's ban on teachers' unions. According to the AHRC, police used teargas and batons to disperse the demonstration. Police arrested 45 teachers and injured six.

On October 12, to protest General Musharraf's coup against Pakistan Muslim League-Nawaz (PML N) Prime Minister Nawaz Sharif in 1999, the PML N demonstrated in Karachi, Lahore and other cities. In Lahore, police charged the crowd with batons when they did not disperse. According to the Dawn and other newspapers, police injured 11 demonstrators and arrested others under section 16 of the Maintenance of Public Order law.

On November 27, according to AHRC more than 400 human rights and political activists were arrested in Balochistan to prevent them from participating in peaceful protests in advance of President Musharraf's visit to the province. Virtually all were released after the visit.

Unlike in previous years, the authorities did not restrict the domestic movements of leaders of religious political parties.

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 HRW's recently released 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. All citizens were subject to certain provisions of Shari'a, including extensions such as 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," which is the basis for the creation of Pakistan (see section 3).

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 two 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 (see section 2.d.). Ahmadis were frequently discriminated against in government hiring and in admission to government schools and faced prosecution under the blasphemy laws.

On June 24, a mob attacked Ahmadi residents in Jhando Sahi near Sialkot district, Punjab, after allegations of the desecration of the Koran. The rumors alleged that Ahmadi men were seen burning pages of the Koran in public. The police arrested the accused Ahmadis, but a mob gathered and started burning houses, shops, and vehicles of Ahmadis. There were reports that prior to the incident, Muslim clerics had encouraged mobs to attack Ahmadis by calling out to Muslims on the loudspeakers of their mosques that non Muslims should not be allowed to live among Muslims. Reports indicated that two Ahmadis were injured, and about 100 Ahmadi villagers fled their homes where they had lived for 60 years.

On September 10, the Government of Punjab banned the century old Ahmadi newspaper the Daily Al Fazal and raided its office in Chenab Nagar, Chiniot District, Punjab. Police arrested printer Sultan Dogar and journalist Abdul Sattar Khan and lodged cases under ("anti-Ahmadi" provisions) 298B and 298C of the Penal Code, Maintenance of Public Order, and the Anti Terrorism Act against them. Police confiscated all the publications and sealed their offices. While police released Khan on September 23, Dogar remained in custody at year's end. According to Deputy Superintendent of Police Saeed Tatla, the raid was part of the Government's campaign to confiscate religious "hate literature." In the FIR, the police accused the newspaper of preaching Qadiyani ("Ahmadian") beliefs and describing Ahamdis as Muslims, which is illegal. Qadiyani is a derogatory word for Ahmadis.

Complaints under the blasphemy laws, which prohibit derogatory statements or action against Islam, the Koran, or the prophets, were used in business or personal disputes to harass religious minorities or other Muslims. Most complaints were filed within the majority Sunni Muslim community. Most blasphemy cases were ultimately 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 January 2005 President Musharraf 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 one person and acquitted three under the blasphemy laws; 73 cases were ongoing.

On January 26, Parvez Aslam Choudhry, a prominent human rights lawyer and chairman of the NGO Legal Aid for Destitute and Settlement, was attacked and beaten by extremists who tried to intimidate him because of his work defending blasphemy cases. Prior to the incident, Choudhry had been threatened outside of court and received death threats because of his work.

On March 3, according to the NGO Center for Legal Aid and Settlement, police lodged a blasphemy case against Naseem Bibi for failing to show respect to a picture of the Kaaba in Mecca. According to Naseem Bibi, the Muslims in her neighborhood tried to seize her land by force. In the dispute that ensued between Naseem and the local residents, the Muslims vandalized a crucifix from Naseem's home, to which

Naseem responded by vandalizing a picture of the Kaaba. On November 27, Naseem was released.

On August 31, after police refused to register a theft case against Shahid Masih and Mohammad Ghaffar in Faisalabad, police lodged a false case against them under the blasphemy law for allegedly burning the Koran. Local residents attacked Masih and Ghaffar's homes, and their families were forced to flee. According to AHRC, while in police custody, both men were tortured.

On November 10, the Lahore High Court overturned the conviction Ranjha Masih, a Christian, of blasphemy. Masih had been arrested in 1998 and sentenced to life in prison in 2003. While some witnesses claimed to have seen Masih throw stones at a commercial sign that included a verse from the Koran, the Lahore High Court found the witnesses' testimony not credible. Prior to his acquittal, Masih spent almost 8° years in jail, where he reportedly was beaten and mistreated.

There were no 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.

According to HRCP, on November 25, unknown persons burnt down an Ismaili place of worship in Chitral district. HRCP reported that no arrests had been made.

On February 19, a mob attacked St. Mary's Church, St. Xavier's Church, and St. Mary's School at Sukkar, Sindh, after Irfan, a convert to Islam, allegedly tried to accuse his Christian father-in-law, Saleem, of burning a copy of the Koran.

According to AHRC, during the year, four churches, five Ahmadi mosques, and two Hindu temples were burnt, attacked, or destroyed in different parts of the country, with most occurring in the Punjab. Religious extremists killed ten Christians and four Ahmadis who were accused of blasphemy. AHRC reported that 49 Ahmadis and 110 Christians faced trials or were in prison on charges for desecrating the Koran. According to AHRC, there were 35 reported cases of forcible conversion of religious minorities.

The All Pakistan Minority Alliance reported that approximately 25 Hindu girls were allegedly forced to convert to Islam in Sindh.

NGOs such as AHRC reported that during the year, several Hindu girls had been raped inside a Hindu compound in Karachi. In April police refused to register a FIR against Javed Qasai for allegedly kidnapping and raping a Hindu girl. According to the AHRC, police forced the girl's family to settle the matter with Qasai and did not arrest him.

All religious groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or obtain land. The Government prevented Ahmadis from building houses of worship.

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.

The Hindu community faced harassment and demands for bribes from security forces.

Societal Abuses and Discrimination.—Sectarian violence between Sunni and Shi'a extremists continued during the year and attacks on mosques and religious gatherings resulted in 127 deaths (see sections 1.a. and 5). Shi'as, Christians, and Ahmadis were the targets of religious violence (see section 1.a.).

Police arrested five suspects in connection with the October 2005 attack in Mongh, District Mandi Bahauddin that killed eight and wounded 14 Ahmadis.

There were no developments in the March 2005 case where five gunmen fired at Christians leaving Easter services at a church in Lahore or in the April kidnapping and murder case of Pastor Shamoon Babar or his driver.

In October 2005 gunmen opened fire at an Ahmadi worship service in Mong, Mandi Bahauddin, Punjab, killing eight and injuring 14. On May 11, police arrested four persons linked to the terrorist organization Lashkar e Jhangvi in Toba Tek Sing, Punjab. Police charged Malik Abrar and Amjad Shah for planning and executing the attack. The state filed a case against them under the Anti Terrorism Act. According to the Ahmadi community, judges feared for their lives if they accepted such cases.

Following the attack by an angry mob in Sangla Hills, Punjab, in November 2005, high level provincial officials visited the site to express solidarity with the Christian community. The provincial government provided funds to reconstruct the destroyed buildings, and church services resumed in December 2005. At year's end, no charges had been brought against the mob that destroyed the buildings or its leaders.

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.

On February 20, a mob attacked St. Mary's Catholic Church in Sukkur after rumors that the Christian speakers at a Sunday gathering spoke against Islam and its Prophet. Police arrested seven people including a local religious leader. All of them were released on bail.

On August 7, three Christians were hospitalized with serious wounds in Mominpura Thaiki village near Sharaqpur, Punjab. The injuries occurred during a dispute over land sharing between the Christian community and Muslims living in the village. Police took action and Yaqub Maher, a Muslim landowner, was accused and arrested for plotting the attack on the Christian community.

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 2005 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; 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. Despite this, Pakistani journalists reported on the Israel Lebanon conflict from inside Israel in July. 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. There were approximately 3,740 names on the ECL. 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 to the Secretary of Interior and the advocate general of the senior judiciary.

Mukhtar Mai was temporarily placed on the ECL, which barred her from leaving Pakistan. In June 2005 the Government confiscated her passport after she received a visa to attend an event abroad. Her passport was returned in August 2005.

The law prohibits forced exile; however, former prime minister Nawaz Sharif and his brother, Shahbaz Sharif, remained in exile abroad, in accordance with his 2000 agreement with the Government. In late 2005 the Government granted Nawaz Sharif and his immediate family new passports, allowing them to travel outside Saudi Arabia. Neither Shabaz nor Nawaz were permitted to enter Pakistan. Shabaz was denied entry when he arrived in country by plane in 2004. Former prime minister Benazir Bhutto remained in self imposed exile. A number of corruption and contempt of court charges against her remained pending.

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. According to UN Children's Fund, up to 80,000 Baloch civilians were displaced as the result of clashes between government forces and Baloch nationalists. These were including among the more than 200,000 persons who, according to AHRC, migrated to different places of the country from areas affected by military operations. According to newspaper reports, many of the displaced lived in terrible conditions with no safe drinking water and no medical help.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government has a system to protect refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government did not grant refugee status or asylum.

Since 1979 the Government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the UN High Commissioner for Refugees (UNHCR) approximately 2.4 million Afghan refugees remained in country. The Government continued to work closely with the UNHCR to provide support to this population. As of October 13, the last day of UNHCR-assisted repatriations, the Government cooperated with UNHCR in the voluntary repatriation of 133,338 Af-

ghan refugees. There were also 9,681 spontaneous refugee returns known to UNHCR.

The Afghan refugee camps that the Government scheduled for closure during the year remained open. A registration of those Afghan refugees counted in the 2005 census in the country began on October 15 and was scheduled to be completed by the end of the year, but was extended. The registration, conducted jointly by country's National Database and Registration Authority and UNHCR, issues a proof of registration card, valid for three years, and identifies the holder as an Afghan resident.

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. Single women, female headed households, and children working on the streets were particularly vulnerable to abuse, including trafficking.

Approximately 300,000 Biharis, Urdu speaking non Bengali Muslims in Bangladesh without citizenship rights since 1971, continued to campaign for resettlement in the country.

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 October 1999, General Pervez Musharraf overthrew the elected government of Prime Minister Nawaz Sharif in a military coup and was elected President in 2002 in deeply flawed elections. Since then, President Musharraf has controlled the Government and dominated the PML-Q federal coalition government.

Elections and Political Participation.—Domestic and international observers found the 2002 national assembly elections, the most recent national elections, and the August 2005 local elections deeply flawed. HRW's 2006 report on Azad Kashmir noted that the July Azad Kashmir Legislative Assembly elections were flawed and "greeted with widespread charges of poll rigging by opposition political parties and independent analysts." HRW reported that 60 pro-independence candidates who belonged to the Jammu Kashmir Liberation Front, the All Parties Nationalist Alliance, and smaller political parties were barred from participating in the state elections.

The Supreme Court sanctioned General Musharraf's 1999 coup; however, it directed Musharraf to restore elected government within three years. In 2002 President Musharraf held a nationwide referendum on a five year extension of his presidency and claimed to have received a 97.5 percent vote in favor of the extension. Independent observers found evidence of widespread fraud and coerced voting. The Supreme Court ruled that the referendum was constitutional; however, the court allowed the results to be revisited by an elected parliament. In 2003 the National Assembly affirmed Musharraf as President for a five-year term. Musharraf reportedly promised some members of parliament to remove his uniform in 2004 but did not do so.

In 2002 elections were held for the national and provincial assemblies. Musharraf's Legal Framework Order (LFO) created a number of new candidate eligibility prerequisites. International and domestic observers found the elections greatly flawed, identifying serious problems in the election framework and tampering of results in certain districts. After a number of floor crossings, which the opposition claims were induced, the PML formed a governing coalition in concert with the MQM, smaller parties, and dissident groups from opposition parties. The February 2003 indirect Senate elections resulted in a majority for the governing coalition. In December 2003, despite opposition protests, the Parliament incorporated a large part of the LFO into the 1973 constitution as its 17th Amendment. The amendment affirmed Musharraf's presidency until 2007 and his right to serve concurrently as chief of army staff until the end of 2004. The amendment allowed the President to dissolve parliament but required him to obtain the consent of the Supreme Court within 30 days. Opposition parties said the amended constitution legitimized the powerful role of the military in politics and transfers significant powers from the Prime Ministership to the previously ceremonial presidency. In October 2004 the National Assembly, over objections from the opposition parties, approved a bill extending Musharraf's exemption to hold two offices through 2007.

The National Assembly and the cabinet functioned normally during the year. In August 2004 the National Assembly elected the PML candidate, former finance min-

ister Shaukat Aziz, prime minister, although all opposition parties boycotted the vote because their candidate, PML N leader Javed Hashmi, was not allowed to appear at the assembly, having been convicted of sedition. Opposition parties criticized Aziz's election, claiming his two by election victories to the assembly were fraudulent. Domestic and international observers found irregularities but concluded the elections were generally free, fair, and credible.

President Musharraf continued to back reforms proposed by the National Reconstruction Bureau to empower local governments. In August 2005 the country held direct local elections to choose members and executives for the lowest tier of local government, the union council. International observers found serious flaws in the contests in Sindh and Punjab provinces, principally during the August 25 round. Intimidation of opposition candidates and supporters, use of state resources to influence the election, vote buying, and voting irregularities that appeared to benefit government endorsed candidates occurred and likely had an impact on the results of the August 18 contest in Karachi as well as the August 25 contests in Sindh and Punjab.

In October 2005 indirect elections for executives of reserved minority and women's seats on the tehsil (county) and district councils occurred. International observers found that all political parties engaged in attempted intimidation, coercion, and vote buying during these contests. According to press reports, in Upper Dir and Battagram districts, NWFP, local community and religious leaders prevented women from voting or holding official office. In response, the adviser to the Prime Minister on women's affairs visited Upper Dir to mobilize women to stand in elections.

The Government permitted all existing political parties to function. The Government forced the PPP and PML N to elect in country leaders other than former prime ministers Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The amended Political Parties Act bars any person from becoming prime minister for a third time, effectively eliminating Bhutto and Sharif.

The Government detained two opposition leaders, Javed Hashmi and Yousaf Raza Gilliani, on what the opposition claimed were politically motivated charges. In April 2005 Hashmi was convicted in closed proceedings on charges of sedition and sentenced to 27 years in prison for reading in the cafeteria of the National Assembly an anonymous letter critical of the military. On October 5, the Rawalpindi Bench of Lahore High Court accepted the bail plea of Yousaf Raza Gillani in a case for which he was sentenced to 10 years imprisonment on charges of giving jobs in the National Assembly secretariat during his speakership. Hashmi remained in prison at the end of the year.

The Government ban on political party activities in the FATA continued. According to the Frontier Crimes Regulation Act (FCRA) 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 Pakistan People's Party (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. The Government did not allow candidates to register by political party, and did not permit political party rallies. Several religio-political parties campaigned covertly during the 2002 national elections.

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.

On September 21, HRW released a report entitled "With Friends Like These. Human Rights Violations in Azad Kashmir" that noted: "Azad Kashmir is a land of strict curbs on political pluralism, freedom of expression, and freedom of association; a muzzled press; banned books; arbitrary arrest and detention and torture at the hands of the Pakistani military and the police; and discrimination against refugees from Jammu and Kashmir state. Singled out are Kashmiri nationalists who do not support the idea of Kashmir's accession to Pakistan. Anyone who wants to take part in public life has to sign a pledge of loyalty to Pakistan, while anyone who publicly supports or works for an independent Kashmir is persecuted."

There were 73 women in the 342 seat National Assembly, five women in the 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. In some districts social and reli-

gious conservatives prevented women from becoming candidates; however, in several districts female candidates were elected unopposed. Women participated in large numbers in elections, although some were dissuaded from voting by their families, religious and tribal leaders, and social customs. The PML-Q and PPP prohibited their local leaders from entering into agreements that would prevent women from standing for or voting in the local elections. The Election Commission of Pakistan invalidated union council elections in parts of NWFP where women were not allowed to vote. Provincial chief ministers named women to serve in their cabinets.

According to press reports, between 2001 and June 2006, four women councilors were killed in Upper Dir, NWFP, including, in 2004, Zubeida Begum, a prominent female political activist. Gunmen shot and killed Zubeida Begum along with her 19 year-old daughter. Women in Upper Dir had actively campaigned for political power, despite local attempts to suppress the female vote and the marginalization of women once elected.

There were 10 religious minority members in the 342 seat legislature, one on the 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.

Government Corruption and Transparency.—Corruption among executive and legislative branch officials remained a problem during the year, and public perception of corruption was widespread. The National Accountability Ordinance prohibits those convicted of corruption by the NAB from holding political office for 10 years (see section 1.d.). The NAB disproportionately targeted opposition politicians for prosecution and did not prosecute the active duty members of the military.

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 Attitude 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 cooperative and responsive to their views. The Government sought their technical cooperation, especially from international NGOs, in the fields of women's empowerment, election training, election commission capacity building and other areas. They are 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 sponsor discussions on human rights issues during the year.

On January 8, a fact-finding team of the HRCP and journalists was attacked when their cars were fired at near Kashmore, Balochistan. According to NGOs, it was not clear who was responsible for the attack. By the end of the year, the HRCP submitted an application to the police in Rojhan to file a complaint, but police did not proceed beyond determining that the assailants were tribals and hard to track down.

International observers were permitted to visit the country and travel freely. The Government generally cooperated with international governmental human rights organizations. The ICRC had a delegation in country and had access to prisons and detention centers. ICRC staff characterized the Government as "cooperative."

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.

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.—Domestic violence was a widespread and serious problem. Husbands frequently beat, and occasionally killed, their wives. Newly 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 the Karachi-based Lawyers for Human Rights and Legal Aid, 31,000 crimes against women had been reported from 2000–2005, including murder, rape, torture, honor killings, abduction, and torture by police. Approximately 249 cases of honor killing and attempted honor killing were also reported in the media in Punjab. SHARP recorded 1,127 incidents of violence against women during the year. While the Punjab Assembly passed a resolution against acid attacks in 2003, it was not followed up by action to control the sale of acid and other corrosive substances. HRCP documented 96 cases of burnings during the period between November 2004 and August 2005. The Citizen's Commission for Human Development reported 21 burn cases during the first six months of the year.

According to HRCP estimates, one out of every two women was the victim of mental or physical violence. On November 28, Oxfam's representative claimed that approximately 80 percent of the country's women faced domestic violence in their lives. A survey conducted in March by the Pakistan Institute of Medical Sciences and reported by AI in Lahore found that at least 90 percent of married women in the country reported being physically or sexually abused by their husbands. However, the precise figure was difficult to obtain, given the fact that the crimes took place within homes. The National Commission on the Status of Women advocated on behalf of specific domestic violence legislation. In its absence, 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 were usually 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 reputation.

During the year there were 97 reported cases of "stove deaths," many of which related to disputes with in laws.

On April 13, Ayesha Jabeen of Chakwal was burned allegedly while cooking food. She was brought to the district hospital where she died. Jabeen's family contacted NGOs in Islamabad, suspecting that her in laws were involved in a plot to kill Jabeen. No further information was available at year's end.

On April 3, Zakia Bibi married a man of her choice. On October 3, Zakia was found dead in Ali Khan Brohi village in Sindh. The Ratodero police said her body was recovered from the house of her husband, Mohammad Brohi, on report of Araz Mohammed Langah, Zakia's father. Brohi and other family members escaped from the house. Zakia's parents reported that her husband and in laws had tortured their daughter to seek her consent for the second marriage of her husband. Brohi's parents stated that Brohi had already been engaged to a woman of his clan. Doctors said Zakia had been hit on the head, causing her death. Doctors found marks of torture on her body.

In September 2005 according to her in-laws, Safia Khatoon suffered fatal injuries after a leaking gas cylinder exploded in Gujar Khan, Punjab. Safia's family lodged a complaint against her in-laws, and the police found that Safia's husband was involved in spraying her with kerosene and setting her afire. Police arrested>>>>> her husband, but by year's end no case has been filed.

The Government established Crisis Center for Women in Distress locations, which referred abused women to NGOs for assistance. There were 276 district run emergency centers for women in distress where they were sheltered and given access to medical treatment, limited legal representation, and some vocational training. In some cases, women were abused in the shelters.

For example, in August 2005 Kanwal fell from the roof of the shelter in Hyderabad and died while trying to escape what other shelter residents reported were abusive conditions. A preliminary inquiry charged the night staff of the shelter with neglect for failing to provide adequate first aid and for failing to summon medical assistance immediately. Police arrested the caretaker Daarul Aman, Atiya Khatoon, and two of her staff members. No further activity in the case was reported.

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 widespread, prosecutions were rare. It was estimated that rape victims reported less than one third of rape cases to the police. Rape victims were often reluctant to report cases of rape for fear of being implicated in consensual fornication or adultery under the Hudood Ordinance and because of negative societal attitudes associated with rape. Since rape was considered a sub-category of non-marital sex, courts often viewed a woman's allegation of rape as an admission of illegal sex, making sexual assault victims

susceptible to prosecution themselves, prior to the December 1 signing of the Women's Protection Bill.

Police were at times implicated in rape cases. According to the NGO Women Against Rape (WAR), there were 369 rape cases reported in the media, which WAR estimated to be less than 5 percent of actual incidents. According to the HRCP, statistically a woman was raped every two hours, or gang-raped every eight hours.

In April 2005, the speaker of the National Assembly ordered Sonia Naz's arrest for illegally appearing on the floor of the house to seek assistance for her husband, who had been allegedly harassed in connection with an investigation into stolen vehicles. In May 2005, police allegedly abducted Sonia Naz and detained her for 10 to 12 days, during which time she claimed that the SHO, Jamshed Chishti, raped her on the orders of Abdullah Khalid, Faisalabad superintendent of police for investigation. Police originally refused to file rape charges against the accused, but following a Supreme Court order in October 2005, they arrested the officers for rape. After an initial investigation into the rape incident resulted in conflicting conclusions, including one accusing Naz of falsifying the rape claim, the Supreme Court established a new investigation team. Courts cancelled initial bail for Abdullah and Chishti, and the Punjab chief minister suspended both from the police force. Both Chishti and Abdullah remained suspended at the end of the year. In April Sonia Naz complained that she received threats from her husband's brothers, who later attacked and severely injured her for bringing shame to the family.

On August 25, the Kabirwala police and 12 persons associated with Raza Hayat Hiraji, the minister of state for law, parliamentary affairs and human rights, allegedly kidnapped two lower caste women, Ghazala Shaheen and her mother Mumtaz Mai from the Batti community in Kabirwala, Punjab. Shaheen had completed her masters in education from Baha uddin Zakaria University against the wishes of members of the higher caste Mirali. The abductors kept the victims captive for 12 days and gang raped Shaheen and Mai until local villagers raided the house, caught three of the perpetrators, and helped release the victims. The police allegedly threatened Shaheen and Mai, warning that if they told their story to anyone, they would be paraded nude and their male relatives would be killed in a false police encounter. Local human rights organizations and activists recorded the women's statements, but Hiraji allegedly called the police, instructing them not to allow the women to register a FIR. On September 28, police raided Shaheen and Mai's home and ordered them to leave the village under orders from a "big personality." No action was taken against the culprits, and both victims feared for their lives.

On July 28, three staff members of the Islamic Law Department at Karachi University attempted to rape a female student on campus. She resisted and escaped. Along with friends and family, she lodged a complaint with the vice chancellor who suspended all three perpetrators. The vice chancellor asked the student not to file a formal police report since he was taking action against the culprits. All three staff members were reinstated after three weeks. When the student and her supporters protested, an inspector of the Sindh Rangers suggested that they not make unnecessary "noise," as the ones who tried to rape her had been "punished." By the end of the year, no action had been taken against the staff members.

Many rape victims were pressured to drop charges. Police and prosecutors often threatened to charge a victim with adultery or fornication if she could not prove the absence of consent, and there were many cases in which rape victims were jailed on such charges. When the zina clause was still included in the Hudood Ordinance prior to the December 1 passage of the Women's Protection Bill, the standard of proof established in the Hudood Ordinances was based on whether the accused was to be subjected to Koranic (hadd) or secular (tazir, or lesser) punishment. In cases of Koranic punishment, which could result in public flogging or stoning, the victim was required to produce four adult male witnesses to the rape or a confession from the accused. No Koranic punishment has been applied for rape. The punishment for rape can include up to 25 years in prison, 30 lashes, and $5,000 (Rs 303,000 rupees) fine.

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 and were at times physically or verbally abusive to victims, accusing them of adultery or fornication. Women accused of adultery or fornication were forced to submit to medical exams against their will, although the law requires their consent. Judges were reluctant to convict rapists, applied varying standards of proof, and at times threatened to convict the victim for adultery or fornication rather than the accused for rape. Families and tribes at times killed rape victims or encouraged them to commit suicide.

The January 2005 rape of Dr. Shazia Khalid at the Sui gas field in Balochistan remained unresolved. Baloch nationalists claimed she was raped by Frontier Corps personnel; the Government claimed DNA evidence indicated otherwise. Dr. Khalid was condemned to death by a tribal jirga for dishonoring the tribe. She and her husband left the country in March 2005. According to human rights organizations, the Government pressured Dr. Khalid to leave the country.

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 intervened and assumed jurisdiction of the case. In June 2005 the court ordered the five convicted to be rearrested and held without bail. At the end of the year, they remained in custody and the case was on-going.

There were no developments in the January 2005 Aysha Javed case and the March Arebeli cases. Javed's uncle Riaz shot and killed her after accusing of her of having sexual relations with her neighbor. Arbeli was killed two hours after her wedding ceremony by her husband Yousif, who accused her of having had sexual relations with her cousin.

Prior to the December 1 signing of the Women's Protection Bill, husbands and male family members often brought spurious adultery and fornication charges against women under the Hudood Ordinances in order to control their behavior as a means of intimidation. The Hudood Ordinance made rape victims liable to prosecution and led to thousands of women being imprisoned under false pretext. According to HRCP's 2005 report, there were approximately 4,621 women in jail under the Hudood Ordinances. Even when courts ultimately dismissed charges, the accused spent months, sometimes years, in jail, with reputations destroyed.

Honor killings and mutilations, including cutting off of women's noses and stripping women naked to dishonor them, occurred during the year. Women were often 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. Official statistics stated an average of 1,000 persons were murdered each year in the name of honor. Other sources, including the media, reported 1,137 honor killings, through November. An official from the Citizen's Commission for Human Development reported that 229 women were murdered from January to June in the name of honor. Approximately 54 percent were married. The CCHR estimated that 27 percent were killed by their fathers, brothers, or in-laws; 25 percent by their husbands; 11 percent by relatives; and 19 percent were murdered by unidentified persons. Human rights groups believed that such incidents were common in the Sindh, in the Punjab and among tribes in Balochistan, NWFP, and FATA. In January 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 as not being forceful enough because it still 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 physical charges. Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.

On April 24, The Daily Times reported that the Nihag Dara Wari jirga in Dir ruled that anyone reporting honor killings to police or other authorities would be killed. Malik Faiz Muhammad, a leading jirga member, explained this was because honor killing reporting was giving the area a bad reputation. According to the report, Muhammad said, "We stick to our verdict that honor killing is permissible and those who commit it will not be liable to any punishment. We will also not allow the aggrieved party to report the case to the police or file the case before a court. We will kill those who will violate the jirga verdict." Sajid Mohmand, senior superintendent of police for Upper Dir declared this ruling illegal and said that honor killings would continue to be registered and prosecuted.

According to HRCP, on September 5, Khanewal police arrested Ejaz Draaz, Emtiaz Draaz, Riaz Draaz, and Umer Draaz for allegedly stripping a widow, Shamim Bibi, and parading her naked in the village market as punishment for her son disgracing their cousin.

On September 15, Jamroz Khan shot his wife Shahida Bibi in Kohi Barmol village, district Mardan, NWFP. Khan, who alleged his wife was of bad repute, escaped. The Katlang police registered the case, but by the end of the year, Khan had not been located.

On October 2, according to an Islamabad based NGO, Akram Shambhani killed his niece, Ms. Zadi, daughter of Ameer Bux Shambhani, when she was in her home, and killed his stepbrother Barocho, son of Bahawal Din Shambhani. Shambhani

suspected that the two were having an affair and declared them "karo kari" (adulterers). By the end of the year, police had not charged Shambani with the double murder.

On November 20, Hyder Ali Shar of the village Sikandar Shar in Khairpur axed his daughter Fahmida and her alleged lover, Anwar Ali, to death. Shar confessed to the crime and admitted he could not control his anger when he found his daughter and Ali together.

On November 29, a group of armed men killed 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. The honor killing allegedly occurred at the behest of Shafi Mohammed Mahar, Safia's father.

In December 2005 Nazir Ahmed of Multan, slit the throats of his step-daughter and his three young daughters to salvage his family's "honor." Ahmed killed his step-daughter Muqadas for allegedly committing adultery, and his daughters because "he didn't want them to do the same when they grow up." Police arrested Nazir in December 2005 while he was attempting to flee Multan. By the end of the year, he remained imprisoned in Multan, awaiting trial.

Despite laws barring child marriages, there was evidence that many took place. According to HRCP, the sale of minor girls in marriage to men much older than them by impoverished families increased, with a growing number of instances reported in Sindh and southern Punjab. 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 the Punjab and NWFP. HRCP reported that watta satta, the practice in which two men marry each other's sisters, took place routinely.

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. HRCP documented women in Sindh had been "married" to the Koran.

On July 11, Arisha Bibi was beaten by her father and brothers when she refused to marry Ghulam Akbar to settle a family dispute that had led to one death. Arisha, a college student, refused to marry the much older Ghulam. She was beaten unconscious, her thumb print was taken on the marriage contract, and her signature was forged. On July 13, her mother approached the Progressive Women's Association for assistance, but under pressure from other family members, Arisha finally consented to the marriage.

On December 7, police arrested Jamal Arain in Harappa district, Punjab for killing his daughter. Arain argues that he killed his daughter because she had been possessed by a demon. Arain and his sons set his daughter's body on a pyre and set it on fire.

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 (see section 2.c.). Prior to the enactment of the Women's Protection Act, the Hudood Ordinances created judicial discrimination against women. Women's testimony in cases involving proposed Koranic punishment was considered invalid or discounted significantly. In other cases involving property matters or questions of contractual future obligations, a woman's testimony was equal to half that of a man's testimony.

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 were often 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 le-

gally 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.

The Ministry for the Advancement of Women lacked sufficient staff and resources to function effectively. Continuing government inaction in filling vacant seats on the National Commission for the Status of Women hampered its efficacy until Arifa Syed Zehra was appointed its chair on February 1 and began hiring staff. In 2003 the Government mandated that the NCSW develop policy supporting women. After former chairperson Majida Rizvi recommended complete repeal of the Hudood Ordinance in August 2003, the Government funded a further study of the suggestion. This resulted, in part, in the December 1 Women's Protection Act.

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 issues of concern included domestic violence, the Hudood Ordinance, and honor crimes.

Children.—The Government does not demonstrate a strong commitment to children's rights and welfare through its laws and programs. Local laws do not mandate free public education, and schools generally charge tuition. While some state governments passed laws requiring free public education, such as Punjab, 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 an Islamabad-based organization, of the 19.1 million children between the ages of five and nine, only 42 percent were in school. Less than half of children who enrolled completed more than five years of education, six percent of enrollees completed grade 12. The national literacy rate of 38 percent showed a significant gap between males (57 percent) and females (32 percent) due to historical and societal discrimination against educating girls. While anecdotal evidence suggested increasing female participation in education, such discrimination continued, particularly in rural areas.

Madrassas 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. A few madrassas reportedly continued to teach religious extremism and violence. The Government continued its efforts to modernize madrassa education during the year. 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 are registered. At year's end, approximately 8,000 of the estimated 13,000 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 five 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. According to the NGO Lawyer's Committee for Human Rights, 3,100 children were sexually harassed or abused during the first nine months of the year in Sindh Province alone. In rural areas, poor parents sold children as bonded laborers (see section 6.d.) and at times sold daughters to be raped by landlords. The legal age of marriage for males is 18 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 was reportedly common practice among the Pashtun subtribes as acts of retribution and to settle scores between tribes.

Trafficking and commercial sexual exploitation were problems (see section 5, Trafficking). 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 (see section 6.d.).

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. There was a general consensus among these NGOs that approximately 100,000 children lived on the streets in urban cities. Many were run-aways from the interior of Punjab and Sindh provinces or Afghan refugees and lived in cities

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 Prevention and Control of Human Trafficking, Ordinance 2002, and maximum penalties range from seven to 14 years' imprisonment plus fines. The Government arrested 1,393 suspected traffickers and prosecuted 685 under the ordinance during the year, but it was unclear whether these cases included human smuggling. According to SHARP, the Government registered 1,700 cases of human trafficking during the year. The Federal Investigation Agency's (FIA) dedicated antitrafficking unit (ATU) had primary responsibility for combating trafficking. An Inter Ministerial Committee on Human Trafficking and Smuggling coordinated federal efforts. The Government assisted other countries with international investigations of trafficking.

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 200,000 Bengali 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 confiscated both groups' passports and forced them to work to pay off their transportation debt.

While the problem of child camel jockeys was effectively dealt with in May 2005 when the United Arab Emirates (UAE) banned the use of children as camel jockeys, the NGO Ansar Burney Welfare Trust reported that at least 46 child jockeys were sent to the UAE during the year. The boys were primarily recruited from the impoverished districts of the southern Punjab and interior Sindh.

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, 13 officials of the FIA were punished under departmental laws. The details of the punishment were not available.

The Government rescued some kidnapped victims. The Overseas Pakistani Foundation and the Ansar Burney Welfare Trust repatriated nearly 298 camel jockeys from the UAE and Qatar. In March 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.

With the establishment of a dedicated ATU, treatment of trafficking victims improved, although some women forced into commercial sexual exploitation may have been treated as criminals under the Hudood Ordinances before the law was amend-

ed during the year. 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.

In April the Lahore High Court decided the case of Aisha Parveen, who was forced into prostitution in Khanpur at the age of 14 by Gul Sher, who "married" her in 1999. Parveen was permitted to start a new life with Muhammad Akram, her husband who had helped her escape from Gul Sher's brothel. Both Akram and Aisha left Khanpur, and their whereabouts were unknown. On March 28, police had arrested Sher and jailed him for three days. After Sher's release in December, he tried to kidnap Aisha. The court issued a restraining order against Sher and later sent Aisha to Darrul Aman (a women's shelter in Lahore) where she was given protection.

Several NGOs held workshops on trafficking during the year, and the Government and NGOs worked to publicize the plight of camel jockeys through press advertisements and the plight of camel jockeys public awareness campaigns to discourage the continuation of the practice.

Persons With Disabilities.—The law does not discriminate against people 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. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (see section 1.c.).

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 openly their sexual orientation, and there were no allegations during the year of discrimination on the basis of sexual orientation.

In cooperation with donors and the UN, 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 all faced discrimination and societal violence (see section 2.c.). The Government removed religiously sensitive material from new text books.

Section 6. Worker Rights

a. The Right of Association.—The Industrial Relations Ordinance (IRO) provides industrial workers the right to form trade unions. 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. 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.

On July 21, the Sindh provincial government's education department banned teachers' unions and sent "forced leave" letters to 34 teachers. In addition, the Government threatened another 150 teachers and lecturers for their involvement in the teacher's association. On December 13, the Sindh High Court stayed the ban and the education department was ordered not to interfere with the creation of a union. At year's end, both teachers' unions were active again.

On August 26, the Registrar of Trade Unions of Sindh banned the trade union at Karachi Shipyard and Engineering Works (KSEW). The Government reportedly took this action at the behest of the Federal Minister of Defense Production, who believed the action would result in higher productivity. This action affected approximately 3,000 workers. Authorities imposed the ban while KSEW management held conciliation meetings with a labor union, the sole collective bargaining agency of the KSEW, regarding the charter of demands that had been pending with the Ministry of Defense Production since 2003. The ban remained in place at the end of the year.

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. In the rest of the economy the Government allowed unions to conduct their activities without interference. The IRO protects the right to collective bargaining, subject to restrictions, but limits the right of unions to strike. 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.

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.

On July 8, the Labor Party of Pakistan organized a 39 day strike in Faisalabad. More than 15,000 textile workers went on strike when the owners of the looms and mills fired people who demanded a salary increase from $1.60 (Rs 97) per day to $2.66 (Rs 161) per day. The owners of the textile units registered cases of looting, plundering and sabotage against the union leaders. The Government arrested 28 union leaders. Following negotiations, the owners withdrew the cases. On August 16, the union leaders were released; however, by the end of the year, worker demands were not addressed.

National labor laws require the Government to determine every six 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 Export Processing Zones (EPZs) are exempt by the ESMA from the protection and right to form trade unions provided by the IRO. The Export Processing Zone 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 five years in prison and up to $825 (Rs 50,000) 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 were often unable to determine when their debts were fully paid. Those who escaped often 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.

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.

Forced and bonded labor, sexual exploitation, and the trafficking of children occurred (see section 5).

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 one 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. 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.

Authorities obtained hundreds of convictions for violations of child labor laws, but low fines levied by the courts ranging from an average of $6 (Rs 364) in the NWFP to an average of $121 (Rs 7,344) in Balochistan were not a significant deterrent. The Employment of Children Act allows for fines of up to $333 (Rs 20,200). 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.

e. Acceptable Conditions of Work.—The national minimum wage for unskilled workers was $42 (Rs 2,500) 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 20 million. President Mahinda Rajapaksa, elected on November 17, 2005, and the 225 member parliament, elected in April 2004, both for six year terms, share constitutional power. According to the European Union Election Observation Mission (EUEOM), the 2005 Presidential election was generally conducted in a free and fair manner, except for the boycott enforced by the Liberation Tigers of Tamil Eelam (LTTE) in the north and east, which intimidated most Tamil civilians from voting. In 2002 the Government and the LTTE signed a formal Cease-Fire Accord (CFA) to end a 17-year armed conflict. During the year violations of the CFA increased in frequency and seriousness, leading to a de facto breakdown of the agreement, which technically remained in force. Military confrontations occurred in several areas of the east and the northern Jaffna peninsula.

The Government's respect for the human rights of its citizens declined due in part to the breakdown of the CFA. Credible sources reported human rights problems, including unlawful killings by government agents, high profile killings by unknown perpetrators, politically motivated killings by paramilitary forces associated with the Government and the LTTE, and disappearances. Human rights monitors also reported 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 armed paramilitary groups linked to government security forces participated in armed attacks, some against civilians. Following the December 1 LTTE attempt to assassinate Defense Secretary Gothabaya Rajapaka, the Government strengthened emergency regulations that broadened security forces' powers in the arrest without warrant and non-accountable detention of civilians for up to 12 months.

The LTTE continued to control large sections of the north and east and engaged in politically motivated killings; suicide attacks; disappearances; torture; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy; denial of freedom of speech, press, and of assembly and association; and the recruitment of child soldiers.

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 politically motivated killings by the Government; human rights organizations and other credible sources reported an increase in encounter killings by police. Sources further alleged that paramilitary groups, sometimes with the aid of government security forces, engaged in targeted killings of political opponents and civilians. The Government and the army denied the allegations.

In January five Tamil youths were shot execution-style in a coastal High security zone in Trincomalee heavily controlled by the police Special Task Force (STF) and the Sri Lanka Navy (SLN). Although civil groups and members of the Government widely suspected police STF involvement in the incident, a ballistic report indicated that standard-issue STF guns had not killed the individuals, and the case was dropped. Some credible observers believe the STF committed the killings using non-standard issue weapons.

On May 2, paramilitary cadres entered the offices of the Tamil-language newspaper Uthayan in Jaffna (Northern Province) and killed Marketing and Circulation Manager, B. G. Saeadas, and the night supervisor, R. Ranjith. On October 30, unknown gunmen killed Tamil National Alliance local government member for Serunuwara, Trincomalee district-Eastern Province, Gopala Krishnan Padmanathan. On November 10, assailants linked to a paramilitary organization shot dead moderate Tamil National Alliance Member of Parliament, Nadaraja Raviraj, on a main road in Colombo. (The Tamil National Alliance supports the political goals of the LTTE.)

In May there were a number of civilian killings in Kayts Island, allegedly by the SLN. For example, unidentified gunmen entered the house of Sellathurai Amalathas and killed eight people. Another individual died later in the hospital. Other killings included that of an elderly man and two members of his family, and a tea shop owner. According to Human Rights Watch (HRW), the Government called for a police investigation of the incidents. The Government appointed a Criminal Investigation Department (CID) team, headed by Senior Superintendent of Police Mahesh Perera, to look into the civilian deaths. The team went to Jaffna and recorded the statements of the survivors. One survivor, the only eye-witness, made a statement to the Magistrate that navy personnel shot her husband and brother, and that she could identify these sailors. Although Jaffna Magistrate Trotsky ordered an identification line-up, the police CID team took no action. At year's end, the case was still pending.

On June 17, uniformed men fired into a church in Pesalai, Mannar, in which several hundred Tamil civilians had taken refuge, killing one and injuring at least five others. Authorities published no progress in these investigations by year's end.

On August 10, military aerial bombardment on LTTE-controlled Trincomalee left 50 civilians dead and 200 wounded. On August 14, the army dropped 12 to 16 bombs on a compound in Mullaitivu, killing 51 teenage girls, and injuring more than 100. No investigations have been conducted.

On August 17, 17 local employees–16 Tamil and one Muslim-of the French Nongovernmental Organization (NGO) Action Contre La Faim (ACF) were shot execution-style on their compound in Muttur. The Sri Lanka Monitoring Mission (SLMM)

asserted that security forces had been responsible for the murders, a charge which the Government denied. The Government called upon Australian investigators to assist with the case, agreeing on terms of reference in September. At year's end, police had made no arrests.

There were several reports of high profile killings by unknown actors during the year. For example, on April 7, unknown gunmen killed Tamil National Alliance parliamentary nominee V. Vigneswaran within sight of a navy checkpoint. Police had made no arrests at year's end.

On April 26, civilians discovered five Tamil farmers beheaded near Batticaloa. On May 13, on navy-controlled Kayts Island off the Jaffna Peninsula, unknown assailants killed a family of 13 Tamils in their home.

On February 5, police arrested Polwatta Ratubaduge Ajiith Wishantna for his role in the November 2004 shooting death of Gerard Perera. Authorities had tortured Perera while he was in custody in 2002 and killed him in November 2004 after he had complained to police and human rights monitors about his treatment at the hands of the police. Three of the seven police officers accused of torturing Perera in 2002 admitted that they had Perera killed because they feared his testimony would lead to their imprisonment. At year's end six officers implicated in the conspiracy remained in custody. There were two cases before the Negombo High Court for the original torture of Perera in 2002 and his 2004 death. The trial was ongoing at year's end, after the Chief Justice ordered that the trial judge hearing the case be removed.

On March 25, in Kalutara District, two police officers from the Panadura police station beat Nallawarige Sandasirilal Fernando unconscious while trying to arrest his brother. On March 28, Fernando died in a local hospital. Authorities indicted two police officers, but at year's end the officers remained on duty. No one has been arrested or prosecuted regarding this matter at year's end.

On April 10, in Colombo District, Maharagama police allegedly pulled Don Wijerathna Munasinghe from his three-wheel taxi for failing to stop. The officers beat him in front of his wife and son, and then beat him again while he was in custody. On April 11, Munasinghe was released, but he subsequently died on April 16 from injuries sustained during the police beating. At year's end the case was referred to the Attorney General's department for further action, and the three police constables accused of the beating remained on duty. Police have made no arrests in the case.

During the year the LTTE was implicated in attacks on high-profile political opponents and civilians. An April 17 suicide attack at Army Headquarters severely wounded Army Commander General Sarath Fonseka and killed eight others (see section 1.g.). In June a LTTE suicide bomber killed Army Third-in-Command General Kulatunga in a Colombo suburb (see section 1.g.).

On August 13, presumed-LTTE gunmen killed Ketheshwaran Loganathan, Deputy Secretary of the Secretariat for Coordination of the Peace Process (SCOPP).A former member of the Eelam People's Republican Liberation Front (EPRLF), Loganathan had served as Conflict Analysis Director for the Colombo-based think tank, the Centre for Policy Alternatives.

On August 14, Pakistan's High Commissioner escaped when a bomb hit his convoy; according to HRW at least seven people died in the incident.

On September 17, authorities discovered the mutilated bodies of 10 Muslim construction workers in Pottuvil, near Arugam Bay. A survivor implicated the LTTE in the killings. A Presidential Commission of Inquiry to investigate serious violations of human rights, appointed in December, has a mandate to investigate this and a number of other cases.

On November 24, two brothers wanted by the police surrendered to the Galle Magistrate's Court. They were taken into custody by the Special Investigating Unit of Galle from the court premises and were killed while in the custody of the Ambalangoda Police two days later. The police officers on site claimed they killed the men in self-defense. At year's end, no inquiry into the killings had been conducted.

There were no developments in the 2004 shooting death of Bellanavithanage Sanath Yasarathne, the 2004 custodial killing of Muthuthanthrige Chamal Ranjith Cooray, or the October 2004 killing, allegedly by police, of Herman Quintus Perera.

A trial remains pending and no compensation has been paid to Perera's family.

There were no developments in the 2005 killing of E. Kausalyan, political head of the Batticaloa-Ampara division of the LTTE, and former Tamil National Alliance (TNA) parliamentarian A.C. Nehru. The LTTE blamed military intelligence for colluding with the breakaway Karuna faction and other paramilitaries in the killing.

At year's end former People's Liberation Organization of Tamil Eelam (PLOTE) Arumugam Sriskandarajah, alias Peter, arrested for the April 2005 murder of Tamil

journalist Sivaram Dharmaratnam, awaited trial. The court released Sriskandarajah on bail.

In December 2005 unidentified gunmen shot and killed TNA parliamentarian Joseph Pararajasingham while he was attending midnight mass within a high security zone in Batticaloa. The LTTE accused government security forces of conspiring with paramilitaries in the killing. On April 24, the Government constituted a Presidential Commission of Inquiry. In July police arrested two suspects in the killing, but no indictments had been made at year's end.

Land mines continued to be the cause of death and injury for civilians (see section 1.g.).

b. Disappearance.—The Sri Lanka Human Rights Commission (SLHRC) reported 345 instances countrywide of politically motivated disappearances at the hands of the security forces or by paramilitary forces allegedly tied to the Government, or the LTTE (See section 1.a.).

The SLHRC reported 33 known abductions in the Colombo district with ransom paid ranging from $23,251 (rupees 2,526,221) to $558,035 (rupees 60,630,502). Of those abducted, 12 have not been released although ransom was paid. President Rajapaksa appointed former High Court Judge Mahanama Tilakaratna to inquire into incidents of abductions, but at year's end no report had been issued.

On May 6, according to Amnesty International (AI), eight Tamil men decorating a Hindu Temple in Manthuvil East, northeast of Chavakachcheri town in Jaffna District, disappeared around the time that security personnel were seen at the temple. The whereabouts of the eight remained unknown at year's end.

On August 20, two unidentified men abducted Reverend Thiruchchelvan Nihal Jim Brown and Wenceslaus Vinces Vimalathas of St. Mary's Church at Allapidy on Kayts Island. Because Allapidy was controlled by the SLN, involvement by SLN personnel was suspected, according to AI.

On September 29, two unidentified men abducted Balasingham Sugumar, Dean of the Faculty of Arts and Culture, in Batticaloa town, Batticaloa District. The abductors reportedly threatened Sugumar's family not to inform anyone of their earlier visit to Sugumar. According to AI, because the abduction occurred in a government-controlled area, observers suspected security force involvement. The abductors demanded the resignation of Eastern University Vice-Chancellor Professor Raveendranath in return for the release of Dean Sugumar. Professor Raveendranath submitted his resignation on October 3, and Dean Sugumar was released subsequently. After submitting his resignation, Professor Raveendranath moved to Colombo. On December 15, he disappeared while attending a conference in a High security zone of Colombo. At year's end he had not been released.

There were no developments in any of the unclassified disappearance cases cited by the 2000 UN Working Group on Enforced or Involuntary Disappearances; neither was there any apparent effort put forth by the Government to gather information on these cases. Since 2000, 12 disappearances from previous years were reported by the UN Working Group, seven of which were still pending.

In 2004 a government commission investigating disappearances that occurred in Jaffna from 1996 to 1997 issued letters to next of kin confirming that after being arrested by security forces, the victims disappeared. Next of kin have used these letters to support habeas corpus cases, and at year's end there was one case pending.

At year's end the HRC continued to investigate 16,305 past cases of disappearance by security forces, some of which had been pending for over a decade. There were no indictments, investigations, or prosecutions of security force personnel for past disappearances.

During the year the LTTE continued to detain civilians, often holding them for ransom (see section 1.g.). The SLMM reported that LTTE and Karuna Faction abductions increased significantly during the year.

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 UN Convention Against Torture. Human rights groups maintained that while torture is prohibited under specific circumstances, it was allowed under others. According to the HRC and other credible sources, the use of police torture 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 hold a person until the individual is brought to court; 528 arrests were made under the Emergency regulations during the year, although 288 of those arrested were released within 12 hours. The majority of those arrested were Tamil, although detainees included Sinhalese and Muslims as well. In addition to suspicion of terrorism, people were detained for lack of identification, narcotics, and outstanding warrants (see section 1.d.). Observers esti-

mate that 200 persons remained in custody under detention orders at years end. The SLHRC reported that 433 individuals were tortured in police custody during the year (see section 1.c.).

Methods of torture included beatings-often with sticks, iron bars or hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning; genital abuse; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.

The trial that began in October 2005 of three police officers indicted by the Kurunegala High Court for the 2002 alleged torture and sexual abuse of Nandini Herat continued at year's end.

The majority of the 44 allegations of police torture came from police stations outside the north and east. The Government continued to investigate most cases of torture, according to the SLHRC, with 14 torture cases pending in courts at year's end, with no convictions.

The Asian Human Rights Commission (AHRC) reported that on August 24, police arrested and tortured farmer Suddage Sirisena at the Kekirawa Police Station, where he allegedly sustained bodily injuries, including a fractured nose and the loss of five front teeth. He was later hospitalized for several days. At year's end, no disciplinary action had been taken against the police officers implicated in Sirisena's case.

Separate 2005 police torture cases involving Hevana Hennadige Priyadarshana Fernando and Jayasekara Vithanage Saman Priyankara were still pending at year's end. In the 2005 torture case of Palitha Tissa Kumara, the Supreme Court held that the police subinspector had violated article 11 (torture) of the constitution by severely torturing the victim. The amount ordered as compensation was $250 (rupees 25,000). The High Court judge concluded that the police subinspector had caused the physical injuries mentioned in the medical report, that his actions amounted to the use of unnecessary force but that the treatment of Kumara did not amount to torture.

Special sections of the Attorney General's office and the criminal investigation unit focused on torture complaints. During the year the units forwarded 218 cases for indictments against 139 police and security personnel, in which 65 resulted in an indictment, with 30 cases still pending. The interparliamentary permanent standing committee and its interministerial working group on human rights issues also continued to track criminal investigations of torture.

In October the Appeals Court ruled that the Inspector General of Police (IGP) must invalidate promotions offered to officers accused of human rights violations.

In 2004 the HRC established a torture prevention monitoring unit to implement its "zero tolerance" torture policy (see section 4). The HRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. The HRC also assigned special teams to investigate deaths in police custody. By year's end the HRC had opened cases on 433 torture complaints.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted.

The Government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC), which reported unrestricted access during its 15 visits to government and LTTE-controlled prison facilities and detention centers. Credible observers reported that conditions in prisons were on par with local standards.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, such incidents occurred. There were 528 arrests while the emergency regulations were active. The Government stated that most of those arrested were released within a few days.

In December in a reaction to the December 1 LTTE attempt to assassinate the defense secretary, the Government reinstated certain provisions of the pre-CFA Prevention of Terrorism Act (PTA) as an additional emergency regulation. This gives security forces broader arrest and detention prerogatives than previously allowed.

Role of the Police and Security Apparatus.—Following the November 2005 Presidential election, the Government eliminated the Ministry of Internal Security and placed control of the 66,000-member police force, which included the 6,000-strong paramilitary Special Task Force, under the Ministry of Defense. Senior officials in the police force handled complaints against the police, as did the civilian-staffed National Police Commission (NPC). 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 high security zones,

was a severe problem. Several NGOs claimed that corruption was also a problem in the police force.

The NPC, composed entirely of civilians, was authorized to appoint, promote, transfer, discipline, and dismiss all police officers, except for the inspector general of police. The NPC also has the power to establish procedures to investigate public complaints against the police. In practice, however, the NPC devolved responsibility for discipline of less senior police officers to the inspector. In November 2005 the three-year term of the NPC lapsed, and by year's end, the Government had not appointed new commissioners to the NPC.

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 for bailable and many non-bailable offences or may order continued pretrial detention for up to three 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.

In August 2005 following the assassination of the foreign minister, parliament approved emergency regulations, giving power of arrest to members of the armed forces, who were required to turn suspects over to the police within 24 hours. Individuals arrested under the emergency regulations may be detained for up to a year without trial.

In the majority of cases in which security force personnel may have committed human rights abuses, the Government had not identified those responsible or brought them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a seven-year mandatory sentence for committing torture. There was no witness protection program. According to human rights organizations, obtaining medical evidence was difficult, as there were only 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases doctors were intimidated by police, making accurate medical reporting on torture victims difficult.

The HRC 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. There are no jury trials 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 get 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 had not complied with legislation requiring that all laws be published in English, Sinhala, and Tamil.

In August 2004 the Office of the UN Human Rights Commission (UNHRC) found that Nallaratnam Singarasa's right to a fair trial had been violated when in 1993 he was tortured and forced to put his thumb print on a confession that he could not read. The UNHRC called for his release or retrial and gave the Government 90 days to respond. In February 2005 the Government replied that the law does not provide for release or retrial after the conviction is affirmed by the high court. At year's end Singarasa remained in prison, and his legal team was preparing a fundamental rights case for the Supreme Court. At year's end the Government had taken no action in the 2003 Tony Fernado case. The UNHRC found in March 2005 that the Government should enact legislative changes and pay Fernado compensation.

The Government permits the continued existence of certain aspects of personal laws discriminating against women in regard to age of marriage, divorce, and devolution of property (see section 5).

During the year the LTTE continued to operate its own court system. The LTTE demanded that all Tamil civilians stop using the Government's judicial system and rely only on the LTTE's alternative legal system. Credible reports indicated that the LTTE used the threat of force to back its demands.

The LTTE's legal system is 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. On August 26, the LTTE released the last of three police officers from the National Child Protection Agency (NCPA) arrested in September 2005 when they entered LTTE-controlled territory while pursuing a suspect. The first policeman was released on January 26 and the second policeman was released on February 18 in exchange for four LTTE navy cadres.

Political Prisoners and Detainees.—There were no reports of government-held political prisoners. The LTTE reportedly held a number of political prisoners; however, the number was impossible to determine because of the secretive nature of the organization, and the LTTE refused to allow the ICRC access to these prisoners (see section 1.c.).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for the right to privacy, and the Government generally respected this provision in practice; however, it infringed on citizens' privacy rights in some areas. Police generally obtained proper warrants for arrests and searches conducted under ordinary law. In response to frequent claymore bomb attacks on security forces in the north and east during the year, and the discovery of several claymore bombs in Colombo, cordon and search operations were conducted regularly on nearby houses.

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.—The LTTE routinely used excessive force in the war, including attacks targeting civilians. Since the peace process began in 2001, the LTTE has engaged in targeted killings, kidnapping, hijackings of truck shipments, and forcible recruitment, including of children.

There were regular reports that the LTTE expropriated food, fuel, and other items meant for internally displaced persons (IDPs) from both the conflict with the Government and the 2004 tsunami.

During the year there were credible reports that the LTTE killed 531 members of the police and military, more than 34 members of anti-LTTE Tamil paramilitary groups such as the Eelam People's Democratic Party (EPDP), LTTE cadres loyal to the Karuna faction, alleged Tamil informants for the security forces, and civilians. The LTTE targeted both current and former members of anti-LTTE Tamil political parties. During the year 59 current and past anti-LTTE EPDP members were killed. Credible sources indicated that the LTTE killed 30 members of the breakaway military leader Karuna's group. There was also credible evidence that the LTTE killed 10 members of the military intelligence apparatus in a targeted campaign.

In April and June separate suicide attacks severely wounded army commander General Sarath Fonseka and killed the third ranking officer in the army, General Kulatunga (see section 1.a).

On April 22, six Sinhalese farmers in Kalyanapura were killed, allegedly by the LTTE. On May 27, three LTTE pressure mines killed seven local tourists, including novelist Nihal de Silva, in the Wilpattu National Park. On May 29, the LTTE allegedly killed 12 Sinhalese civilians in Ominiyamandu, Valachchennai.

On June 15, LTTE terrorists at Kongollawa, Anuradhapura district, carried out a claymore bomb attack in a bus carrying at least 150 civilians, Killing 64 and injuring over 86.

At year's end, no arrests had been made in the alleged LTTE killings in May 2005 of Major Nizam Muthalif, commanding officer of the First Intelligence Battalion, or the August 2005 assassination of Foreign Minister Lakshman Kadirgamar.

The LTTE used claymore bombs against police and military targets throughout the year, killing an average of five soldiers per week, according to military sources. In June suspected LTTE cadres detonated a claymore bomb against a civilian bus near Anuradhapura, killing 69 civilians, one Home Guard soldier, and two security force personnel. No arrests were made in any of these attacks.

Gunmen from Karuna's paramilitary group allegedly killed 16 LTTE cadres, including (alias) Ramanan (Deputy Military Commander for Batticaloa) and Akbar (Artillery Division Director). Karuna's group was believed also to have killed several hundred civilians, including the 10 killings in conjunction with abductions (see section 2.a.). There were reports that the Government provided protection and military aid to Karuna and his cadres to assist them in their fight against LTTE cadre. The Government denied any connection to Karuna and his cadres.

According to the CFA, the LTTE have no authority to use international waters. The LTTE says the waters off Mullaitivu, Northern Province, are in its territory; in the CFA, the territorial waters are not assigned to the LTTE. On December 23, LTTE cadres boarded and seized a Jordanian merchant vessel. The captain of the ship stated the LTTE held his crew by force until their release a few days later. At year's end, the ship was still aground on a sand bar outside Mullaitivu.

Landmines were a serious problem in Jaffna and the Vanni region in the northern part of the country and, to some extent, in the east (see section 5). Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of IDPs and rebuilding. The United Nations Development Program (UNDP) reported 16 mine-related deaths and nine mine-related injuries. Humanitarian demining operations in the north and east were suspended periodically due to increasing violence, although NGO and army demining resumed by the end of the year.

The LTTE forcibly recruited 451 children during the year (see section 6.d.). However, the LTTE also released 80 children, at least 52 of whom were again recruited. There were intermittent reports of children as young as eight years escaping from LTTE camps.

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 could criticize the Government generally without fear of reprisal. The August 2005 Emergency regulations allow the Government to stop the publication, distribution, showing, performance or broadcast of any book, magazine, newspaper, poster, movie, play, song, radio or television program that it finds likely to cause public disorder; however, it did not enact any of these provisions during the year.

According to the Committee to Protect Journalists (CPJ), on December 6, the Government enacted the Prevention and Prohibition of Terrorism and Specified Terrorist Activities Regulations. The regulations attempt to define terrorism and allow the Government to take any necessary actions to imprison suspected terrorists. As reported by CPJ, one journalist was detained under these provisions.

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. Most independent media houses freely criticized the Government and its policies. The Government imposed no political restrictions on the establishment of new media enterprises.

There were reports that journalists, especially those in the eastern part of the country, practiced self-censorship due to pressure from both the security forces and the LTTE. In September the Ministry of Defense announced it must clear all defense-related stories in the interest of national security.

In Jaffna the security forces commander reportedly asked the staff of the Tamil newspaper group Uthayan Publications not to report on military operations on any basis other than information provided to them by the Government.

On January 24, soon after he reported on the January 2 killing of five Tamil students in Trincomalee, unidentified gunmen killed Tamil journalist Subramaniyam Sugitharajah. He was a reporter for Tamil Language daily Sudar Oli (also under Uthayan Publications) and had published photographs of the head wounds of the dead students.

On May 2, gunmen entered the offices of Uthayan newspaper, and opened fire on equipment and personnel. Two employees, Suresh Kumar and Ranjith Kumar, died in the shooting, and four employees sustained injuries.

On May 31, an unknown assailant killed Aiyathurai Nadesan, an independent Tamil correspondent in Batticaloa. Independent Tamil and English media personnel reported incidences of intimidation by unknown actors.

On July 1, unknown gunmen killed journalist Sampath Lakmal, the defense correspondent of the independent Sinhala newspaper Sathdina. He reported on crime and the conflict between the Government and the LTTE rebel group.

On August 15, Sathasivam Baskaran, a driver attached to Uthayan, was shot and killed at the wheel of his delivery truck. On August 23, suspected government security forces set fire to the Uthayan office in Jaffna.

On October 16, air force planes destroyed the broadcasting towers of the Voice of Tigers radio station in Killinochchi, injuring two workers in the attack.

On October 23, suspected members of the Karuna group burned 10,000 copies of the Tamil daily newspaper Virakesari.

On November 24, police arrested Parameswaree Maunasami, a writer for the weekly newspaper Maybina. Colleagues believed she may have been arrested for her work covering the fighting between the military and the LTTE. She was reportedly held under anti- terrorism legislation that allowed for prolonged detention without charge.

There were no developments on separate 2005 attacks on a TELO-operated television retransmission station in Vavuniya district and the Colombo printing and advertising offices of the pro-LTTE newspaper Sudar Oli. There were also no developments in the June and September 2005 killings of two news agents distributing the pro-LTTE newspaper Eelanatham in Batticaloa, allegedly by the Karuna Faction of the LTTE, or in the December 2004 attacks on the Tamil daily Thinakkural or the MTV/MBC transmitter.

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.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. For example, Tamilnet, an LTTE Web site, is accessible throughout the country. There are also hate Web sites that call for the killing of "traitors to the Sinhala nation."

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; however, some restrictions existed. For example, the August 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.

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 LTTE did not allow freedom of association in the areas it controlled and reportedly used coercion to make persons 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 is no state religion; however, the majority of citizens were followers of Buddhism, and this at times adversely affected the religious freedom of others.

Foreign clergy may work in the country, but the Government sought to limit the number of foreign religious workers that were given temporary work permits. Permission usually was restricted to denominations registered with the Government.

While the courts generally upheld the right of Christian groups to worship and to construct facilities to house their congregations, a Supreme Court decision promulgated in 2003 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. Since late 2003, there have been approximately 250 attacks by unknown assailants on Christian churches and occasionally pastors and congregants. During the year there were sporadic attacks on Christian churches by Buddhist extremists and limited societal tension due

to ongoing allegations of forced conversions and debate on anti-conversion legislation.

In June rebels opened fire on Somawathi Shrine, located northeast of Colombo. The military accused the LTTE of shooting at the ancient Buddhist shrine to stir conflict between Tamils and Hindus, according to Worldwide Religious News.

In June a Catholic Church in Mannar was attacked by navy grenades, killing five persons and injuring dozens. In a letter to the Vatican, the bishop subsequently stated that 200 Tamils had taken shelter in the church before the grenade explosion.

In June 2005 villagers attacked an Assembly of God pastor in Ambalangoda in Galle District, his brother, and an associate pastor, all of whom required hospitalization. While police arrested six of the attackers, all were free on bail at year's end awaiting trial. The case remained pending at year's end.

Most Muslims expelled by the LTTE since 1990 remained displaced. During the year the LTTE continued its intimidation and extortion of Muslims in the east.

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.—There were instances of societal violence and harassment against members of the Christian community. There were no reported cases of anti-Semitism against the Jewish community, which numbered less than 100.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country," and the Government generally respected these rights in practice; however, during the year it restricted the movement of Tamils. 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, particularly after dark. Tamils were required to present special passes for fishing and transiting through high security zones in the north and the east. While Tamils were no longer required to obtain police passes to move around the country, they were frequently harassed at checkpoints.

On August 11, the Government closed entry points to the A–9 Kandy to Jaffna highway following the start of military engagement between government forces and the LTTE on the Jaffna peninsula. The road closure restricted the movement of passengers and supplies through the LTTE-controlled Vanni region," including LTTE headquarters in Killinochchi. Commercial flights were also suspended in August, and the LTTE refused to guarantee the safety of civilian flights or passenger and supply chains by sea operated by the ICRC or the Government.

Limited access continued to certain areas near military bases and high security zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Beginning in June the SLMM reported that monitors were restricted from accessing sites of reported CFA violations. High security zones extended up to a four-kilometer radius from the fences of most military camps. Some observers claimed the high security zones were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. According to government officials, the zones displaced 109,815 persons, with an additional 46,716 displaced since fighting broke out in August and occupied over 60 square kilometers. In 2004 the Government lessened restrictions at one site in Chavakachcheri and allowed farmers and their families to return to their land; nevertheless, the general public was still denied access to this area and all other high security zone areas. In addition, citizens of Jaffna are required to obtain permission from the army's Civil Affairs unit in order to leave Jaffna. According to several sources, this waiting list was over five months long. Curfews imposed by the army from 8 p.m. to8 a.m. also restrict the movement of Jaffna's citizens.

Internally Displaced Persons (IDPs).—According to the UNHCR, as of May, approximately 418,000 conflict IDPs had returned to their places of origin, leaving approximately 312,000 IDPs displaced by the conflict. There were 268 camps for those displaced by ethnic conflict, and during the year approximately 67,000 persons were in welfare centers, with approximately 246,000 staying with host families or relatives. According to various sources, approximately 50,000 IDPs, primarily Tamils, were unable to relocate as a result of the high security zones. 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. According to the UNHCR, approximately 16,000 Tamils fled to India during the year. The Government continued a program to relocate more than 200 landless IDP families to state lands in Vavuniya and Kilinochchi districts in the north. Most of the 46,000 Muslims expelled in 1990 by the LTTE remained displaced and lived in or near welfare centers. Although some Muslim IDP families returned home, the majority did not move and awaited a guarantee from the Government for their safety in LTTE-controlled areas.

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 early September the Government closed down IDP camps, and turned off water supplies, forcibly returning IDPs from Kantale to Muttur. On November 8, artillery from the army hit an IDP camp in Kathiraweli in the Batticaloa district, killing 47 and injuring 136 persons.

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. The Government assisted in returning to their homes approximately 40,000 civilians displaced in July and August by military engagement in Muttur. There were no reports of refoulement, the forced return of persons to a country where they feared persecution. According to UNHCR, over 16,000 citizens fled to India 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, multiparty, free, and fair elections held on the basis of universal suffrage. However, recent elections were marred by violence and some irregularities.

Elections and Political Participation.—The President, elected in November 2005 for a six-year term, holds executive power, while the 225-member parliament, elected in April 2004, exercises legislative power.

The EUEOM described the November 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. Unlike previous years, there were no deaths or serious injuries on election day, although the inspector general of police refused to release any data on election violence. The EUEOM cited the occurrence of state media bias and misuse of public resources for campaigning.

The EUEOM described the 2004 general election as having been conducted in a democratic matter, with the exception of irregularities in the north and east, where widespread voter impersonation and multiple voting occurred. Several sources cited the LTTE as responsible for the irregularities. The EUEOM reported that more than 2,000 incidents of election violence, resulting in the deaths of five persons and the serious injuring of another 15. Voter turnout was 75 percent. Unlike in previous elections, the Government allowed persons living in LTTE-controlled areas to vote in cluster polling booths in government-controlled areas.

There were 11 women in the 225-member parliament, three women in the cabinet, and two women 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.—There was corruption in the executive and legislative branches. 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. 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 (CIABOC) received 3,212 complaints, of which 943 were under investigation at year's end. According to the Deputy Director General of the CIABOC, the trial was still in progress at year's end. The focus of the prosecution was the questionable acquisition of assets by former Deputy Defense Minister Ratwatte.

There was no law providing for public access to government information.

Section 4. Governmental Attitude 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. Many domestic human rights NGOs, including the Consortium of Humanitarian Agencies; Home for Human Rights; the University Teachers for Human Rights, Jaffna; the Civil Rights Movement; and the Law and Society Trust monitored civil and political liberties. The Government officially required NGOs to include action plans and detailed descriptions of funding sources as part of the initial registration process, and every five years thereafter. In August the Government required that NGOs working in the north and east register with the Ministry of Defense but did not enforce this requirement with all agencies. NGO workers viewed the renewal requirement as an attempt by the Government to exert greater control over the NGO sector after previous human rights groups' criticisms. Most NGOs complied with these reporting requirements. After August the Government did not renew work permits for international NGO staff working in LTTE-controlled areas.

The Government continued to allow the ICRC unrestricted access to detention facilities (see sections 1.c. and 1.d.). 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 (see section 1.g.).

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. 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 June 2004 the SLHRC established a torture prevention monitoring unit to implement its zero-tolerance torture policy. HRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. To ensure its sustainability, HRC urged the treasury to cover costs of the monitoring unit. Like in previous years, HRC was not able to function without interruptions.

In August Sweden, Finland, and Denmark announced their withdrawal from the SLMM in response to LTTE demands that European Union (EU) countries withdraw following the EU's designation of the LTTE as a terrorist organization. Subsequently, 37 monitors departed, leaving about 30 civilian monitors in the country.

In July 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.

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 Bureau for the Protection of Children and Women received 876 complaints of violent crimes against women in the first half of the year.

At year's end a case continued against two policemen who in 2003 attempted to rape Mrs. Selvarajan in Uyilankulam in Mannar district. The AG has not yet filed a charge sheet against the two, and as of year's end they were on active duty.

According to the Bureau for the Protection of Children and Women, there were 481 reported incidents of rape. The bureau indicated that 11 of the victims were below the age of 18. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited.

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 (see section 5, Trafficking).

Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison; however, these laws were not enforced.

The law provides for equal employment opportunities 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 (ADB), 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 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, and there was no provision for marriage at an earlier age with parental consent 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 five 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.

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 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 1,278 complaints of violent crimes against children.

The Government pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalties for pedophilia range from five to 20 years' imprisonment and an unspecified fine. During the year the Government opened 1,692 files; of which 700 indictments were served for pedophilia, including statutory rape; 134 were discharged; and 992 concluded; 158 files were under further investigation and the remainder was pending at the end of the year.

Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from pedophiles.

Child prostitution was a problem in coastal resort areas. The Government estimated that there were more than 2,000 child prostitutes in the country, but private groups claimed that the number was as high as 6,000. Citizens committed much of the child sexual abuse in the form of child prostitution; however, some child prostitutes were boys who catered to foreign tourists. Some of these children were forced into prostitution (see section 5, Trafficking). 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.

The LTTE used child soldiers and recruited children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as eight years of age, escaped LTTE camps and surrendered to the military or the SLMM. Credible reports indicated that in February the LTTE and Karuna faction increased recruiting efforts, particularly in the east (see section 1.g.). Credible sources reported that there were more than 450 cases of forcible child recruitment by the LTTE. The Karuna faction of the LTTE forcibly recruited an estimated 200 children. These sources also reported that more than 1,000 children remained in LTTE custody at year's end. Several sources reported that the LTTE continued to obstruct the 2003 action plan between UNICEF and the LTTE on the demobilization

and rehabilitation of child soldiers. Several sources reported that the LTTE used intimidation or bribes to facilitate recruitment. Some senior LTTE officials claimed that all child soldiers were volunteers.

Trafficking in Persons.—The law prohibits trafficking in persons, and the legal penalties for trafficking in women include imprisonment for two to 20 years and a fine. For trafficking in children, the law allows imprisonment of five 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. Some women were trafficked under the guise of legitimate employment to Lebanon, Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, and Qatar for the purpose of involuntary servitude and commercial sexual exploitation. A smaller number of Thai, Chinese, and Ethiopian women 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. Children were also trafficked as child soldiers in areas controlled by the LTTE.

Internal trafficking in male children was also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere, a domestic NGO, estimated that 6,000 male children between the ages of eight and 15 years were sexually exploited at beach and mountain resorts. Some of these children were forced into commercial sexual prostitution by their parents or by organized crime.

The NCPA has adopted, with International Labor Organization (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 Government established rehabilitation camps for trafficking victims and initiated 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 because of negative attitudes and societal discrimination.

National/Racial/Ethnic Minorities.—There were approximately one 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 August 2004 UNHCR began awareness campaigns to alert Tamils to the new legislation and by the end of 2005 had registered approximately 276,000 persons. UNHCR confirmed registration for an additional 75,000 persons during the year. At year's end 117,000 registrations remained unconfirmed.

Both local and Hill 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.

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 the political or economic life of the nation. Some Veddas complained that they were being pushed off their land in protected forest areas.

Other Societal Abuses and Discrimination.—The law criminalizes homosexual activity between men and between women, but the law was not enforced. 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 Government respected the legal right of workers to establish unions, 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 administrative delays. Nonetheless, approximately 20 percent of the seven-million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than one 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.

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 Employment and Labor 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 $166 (20,000 SLR).

b. The Right To Organize and Bargain Collectively.—The law provides for the right to collective bargaining; however, very few companies practiced it. Approximately 50 companies belonging to the Employers' Federation of Ceylon (EFC), the leading employers' organization, had collective agreements. All collective agreements must be registered at the Department of Labor. Data on the number of registered collective agreements were not available. More than half of EFC's 435-strong membership was unionized.

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.

Under the law, workers in the Export Processing Zones (EPZs) have the same rights to join unions as other workers. 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 unions were active in EPZs, partially because of severe restrictions on access by union organizers to the zones. Trade unions were formally recognized in eight out of approximately 200 factories in the EPZs. In a few other factories, management had begun discussions with the unions. There was only one operating collective agreement in the EPZs during the year. Labor representatives alleged that the Government's Board of Investment (BOI), which managed the EPZs, including setting wages and working conditions in the EPZs, discouraged union activity. 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.

According to the International Confederation of Free Trade Unions, as in recent years, there were some violations of trade union rights in the EPZs. The non-recognition of trade unions became a contentious issue, in part because of obligations under various multilateral and bilateral trade agreements.

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 prohibit forced or compulsory labor by children specifically, but government officials interpreted it as applying to persons of all ages (see section 6.d.). There were cred-

ible reports that some rural children were employed in debt bondage as domestic servants in urban households, and there were numerous reports that some of these children had been abused.

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. A child activity survey, carried out in 1998 and 1999 by the Department of Census and Statistics, found almost 11,000 children between the ages of five and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work throughout the country.

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 many thousands of children were employed in domestic service, although this situation was not regulated or documented. Many child domestics reportedly were subjected to physical, sexual, and emotional abuse. Regular employment of children also occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. In 2003 a rapid assessment survey sponsored by the International Labor Organization/International Program for Elimination of Child Labor on domestic child labor in five districts found child domestic workers (under 18 years) in roughly 2 percent of households, but the prevalence of child domestics was much larger.

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 reported 18 complaints of child employment during the year, out of which litigation charges were filed for one case. Penalties for employing minors were increased from approximately $9 (rupees 1,000) and/or 6 months' imprisonment to $93 (rupees 10,000) and/or 12 months' imprisonment.

Although the law prohibits forced or compulsory labor by persons of any age, some rural children reportedly served in debt bondage (see sections 5 and 6.c.).

The LTTE used children as young as age 13 years in battle, and children as young as eight often were recruited forcibly (see section 5).

A UNICEF-supported action plan sought to restore normalcy to former LTTE child soldiers through release and reintegration. Under this program UNICEF supported the establishment of a transit center in Kilinochchi for child recruits released by the LTTE.

As required by ILO Convention 182, the Government identified a list of 50 occupations considered to be the worst forms of child labor (for children under 18 years). Laws proscribing these worst forms of child labor have not been formulated.

e. Acceptable Conditions of Work.—While there is no national minimum wage, 38 wage boards established by the Ministry of Labor set minimum wages and working conditions by sector and industry. 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 5-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 do 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 7.3 million, is an authoritarian state; political life is dominated by President Emomali Rahmonov 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 Presidential election lacked genuine competition and did not fully test democratic practices or meet international standards, although there were some

improvements on voting procedures. 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, extortion, 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; restricted international monitor access to prisons; extralegal extradition of prisoners from third countries with apparent government complicity; restricted freedom of speech and the press; restricted freedom of association; restrictions on freedom of religion, primarily for women; registration denial of opposition political parties; 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; child labor and forced labor.

The Government made significant efforts in combating trafficking in persons by working to repatriate victims to the country, and it reported a dramatic increase in the number of trafficking convictions. The Government permitted registration and licensing of some independent media, an improvement over last year.

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.

Land mine deaths occurred on the border with Uzbekistan and Afghanistan; there were a reported five deaths and 12 wounded, including both civilians and border guards. The Government continued to work with international organizations to remove land mines along the border to prevent deaths and casualties.

Several clashes between Tajik border guards and drug traffickers on the border with Afghanistan resulted in the deaths of two border guards. In November border guards accidentally shot and killed an Uzbek border guard.

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, government security officials reportedly employed them.

Torture and abuse occurred during the year. Security officials, particularly from the Ministry of Interior (MOI), continued to use systematic beatings, sexual abuse, and electric shock to extort confessions during interrogations. Several alleged members of Hizb Ut-Tahrir (HT), an extremist Islamist political organization, and members of their families claimed they were tortured and beaten while in police custody (see sections 1.d. and 2.b.).

In May police arrested Sadullo Marupov, a member of the Islamic Renaisssance Party (IRPT), on two separate occasions in the Sughd region. Marupov's relatives and fellow IRPT members alleged he was tortured while detained and subjected to electric shocks. By official government accounts, Marupov subsequently committed suicide while in custody. During a government investigation of the alleged police abuse, three prison guards under suspicion of involvement were released from their jobs. One guard remained under investigation at year's end.

There was no official investigation into the 2005 beating and electric shocks police allegedly administered to Yoribek Ibrohimov "Shaykh" and Muhammadruzi Iskandarov while they were in custody.

Beatings and mistreatment were also common in pretrial detention facilities, and the Government took some action against those responsible for the abuses (see section 1.d.).

Citizens in the southern regions of the country complained of harassment and abuse committed by border guards involved in drug trafficking.

During the year media reported that the main military prosecutor admitted there were 27 cases of brutal hazing of new soldier recruits between January and September. This was a decrease of 10 cases from the previous year.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening. Prisons were generally overcrowded and unsanitary. In March Minister of Justice Khalifabobo Homidov acknowledged that bad conditions existed in prisons, which in some incidents led to deaths among inmates. Disease, particularly the spread of tuberculosis, and hunger were serious problems. There were reports

that up to 73 prisoners died of tuberculosis; 957 prisoners had tuberculosis and 87 had HIV. With the help of international organizations, the Government improved conditions in the women's penitentiary.

On May 4, Sadullo Marupov died by falling from the third story of a police station in Isfara while in police detention. Authorities subsequently took three police officers into custody in connection with the death, although the Government later claimed the incident was a suicide. Three MOI investigators involved in Marupov's arrest were dismissed from their positions, and a criminal case against another investigator was ongoing at year's end.

A separate prison 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 prison facility for criminals convicted of drug related crimes was also reportedly better than normal facilities.

In August a court convicted 12 prisoners of inciting the August 2005 riots at Qurghon-Teppa prison in response to Izzatullo Sharipov's appointment to be deputy minister of justice in charge of the penitentiary system; Sharipov reportedly had a reputation for cruelty and corruption. The court sentenced prisoners to as much as 29 year's additional imprisonment. Four prison officials involved in the riots also received shorter sentences.

The Government denied the International Committee for the Red Cross free and unhindered access to prisons controlled by the Ministry of Justice (MOJ), including pretrial detention centers. As in the previous year, the ICRC continued to negotiate with the MOJ to regain free and unhindered access to all prisons. The MOJ granted some foreign diplomatic missions limited access to prisons and detention facilities, including the Drug Control Agency's prison. The MOJ granted a select group of local NGOs limited access to facilities in order to implement their assistance programs.

d. Arbitrary Arrest or Detention.—The law allows for lengthy pretrial detention, there were few checks on the power of prosecutors and police to make arrests, and arbitrary arrest and detention remained serious problems.

Role of the Police and Security Apparatus.—The Ministries of Interior, Security, Defense, Emergency Situations, National Guard, the Drug Control Agency, and the State Committee for Border Protection shared responsibility for internal security. The MOI is responsible primarily for public order and controls the police force, the Ministry of Security (MOS) has responsibility for intelligence, and the Ministry of Defense (MOD) is responsible for military security. Officially the MOD is responsible for external security; however, it can be employed in serious domestic conflicts. The Ministry of Emergency Situations 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 Drug Control Agency is responsible for investigating and interdicting narcotics and other illicit contraband. The State Committee for Border Protection maintains the border area and is responsible for protecting the country from external threats crossing the border. The police and security forces in general were not effective at responding to individual incidents of crime, although the State Committee on Border Protection and the Drug Control Agency improved their effectiveness at drug interdictions and seizures.

Impunity remained a serious problem, and officers who committed abuses were rarely prosecuted. Officers often bribed their commanders for promotion. 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. However, some abuses were brought to light and prosecuted. During the year 89 MOI officials were arrested for corruption or abuse of power. Three officers in a regional police department were also convicted for mistreatment of suspects and received sentences of between five and five and a half years imprisonment (see section 1.c.). Victims of police abuse may submit a formal complaint in writing to the officer's superior. Victims who bring their cases to the media have greater success of seeking justice than those who do not.

Arrest and Detention.—Police may detain persons without a warrant for up to 72 hours; prosecutors are empowered to detain persons for 10 days, after which charges must be filed. This process was generally followed in practice. Detainees are given access to an attorney of their choice. In principle the Government provides state-appointed attorneys to indigent detainees; however, government-appointed attorneys generally serve the interests of the Government. In practice attorneys were not always provided due to a limited state budget. By law if a detainee is disabled, a juvenile, a high profile figure or accused of a grave crime, or facing the death penalty,

the Government must provide an attorney, and this requirement was generally followed in practice. If a detained person does not demand access to an attorney, government officials often overlook this right. 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 member's access to detainees. Many detainees were held incommunicado for long periods of time and remained in police custody without being formally charged.

In some cases security officers, principally from the MOI and the MOS, 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 (see section 1.c.).

The Government always provided a reason for arresting people, although in some cases authorities falsified reasons for arrest or inflated minor problems to make politically motivated arrests. Police authorities occasionally arrested innocent people, accused them of committing crimes the police were attempting to solve, and subsequently framed them in order to falsely report resolution of the case.

According to the General Prosecutor's Office, during the year 61 members of HT were arrested. An unknown number were sentenced in connection with crimes related to their membership in the banned extremist political organization (see sections 1.c. and 2.b.).

A person may be detained for two 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 three months of detention are at the discretion of a local prosecutor; the next three 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. Pretrial detention was a problem, the Government did not always follow pretrial procedures in practice, especially if detainees were unaware of their rights.

International and local sources estimated that approximately 300 former opposition fighters of the United Tajik Opposition remained in prison after the civil war despite two general amnesties in 1998 and a review of cases in 2004. Most fighters were determined to be appropriately jailed for grave crimes, while others were released.

On August 17, the parliament passed a law granting amnesty to 3,960 prisoners. By year's end 2,457 prisoners had been granted reduced prison terms.

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 courts and judges, and corruption and inefficiency were problems.

The President is empowered to appoint and dismiss judges and prosecutors with the consent of parliament. Judges at the local, regional, and national level were generally 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 commonly subject to political influence. In 2005 the UN Special Rapporteur on the Independence of Judges and Lawyers noted in its mission report the increased roles and powers of prosecutors threatened the separation of power. The Special Rapporteur's report also concluded that judges are not independent, and are subject to corruption and influence by the executive branch.

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.

As in the previous year, the Government took steps to improve the overall situation and address problems of judicial integrity by holding judges accountable and arresting some of the most corrupt judges and prosecutors. During the year two judges and three justice system employees were arrested for corruption.

Trial Procedures.—Trials are public and juries are used, except in cases involving national security or the protection of minors. 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 (see section 1.d.). Under the law courts appoint attorneys at public expense; however, in practice arrested persons often were denied

timely access to an attorney, and some cases were not allowed access to any legal counsel.

Prosecutors are responsible for conducting all investigations of alleged criminal conduct. Prosecutors also have the right to initiate cases. According to the law both defendants and attorneys have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and, in principle, all testimony is given equal consideration.

MOJ officials maintained that defendants benefit from the presumption of innocence, despite an unmodified Soviet-era statute that presumes guilt rather than innocence. In practice an indictment implied that the Government was convinced of a suspect's guilt, and government officials routinely made public pretrial statements proclaiming a suspect's guilt. The law provides for the right to appeal. Media reports stated that over half of cases were appealed, and 10 to 15 percent were successful—an increase over previous years. The law extends the rights of defendants in trial procedures to all citizens.

"Supervisory powers" provided for by law allow authorities to reopen and re-examine court cases, indefinitely in criminal cases, 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. The General Prosecutor's Office has used such powers, as in the unsuccessful 2005 attempt to annul the supreme court's release of journalist Jum'aboy Tolibov.

Prosecutors are legally allowed to intervene in cases between private parties that do not involve the Government, and the Office of the General Prosecutor has a department that supervises the court system to ensure cases are correctly decided. There were no reported incidents of prosecutors exercising this right to intervene in purely private cases.

Courts routinely used confessions obtained through torture and beatings (see section 1.c.).

In rare instances military courts try civilians, who have the same rights as defendants in civilian courts, but there were no reports of such cases during the year. A military judge and two officers drawn from the service ranks hear such cases.

Political Prisoners and Detainees.—Authorities officially stated there were no political prisoners. During the year authorities made politically motivated arrests, although there was no reliable estimate of the number of political detainees. There were reports that the Government illegally detained other members of rival political factions.

Many of those arrested are charged with hooliganism or other unrelated crimes.

Some political detainees alleged torture and abuse during imprisonment and some political detainees were kept in a separate facility and not granted visiting access afforded to other prisoners.

On February 21, Social Democratic Party of Tajikistan (SDPT) member Fayzinoso Vohidova was released from prison after being charged in 2005 with forgery and tax evasion. The ruling against Vohidova prohibited her from occupying official positions or leadership roles for two years. Vohidova maintained her innocence and believed the charges against her were politically motivated. During the year Vohidova attempted to file an appeal with the Supreme Court, but her application was rejected.

In May the General Prosecutor's Office repeatedly questioned Rahmatullo Zoyirov, Chairman of the SDPT, following his assertion that the Government detained up to 1,000 political prisoners. The office accused him of HT membership but later informed Zoyirov the office would not press charges. Zoyirov later suffered from health problems and claimed to have been poisoned.

IRPT member, Sadullo Marupov, was arrested in the Sughd region in May for alleged membership in an extremist group (see section 1.c.).

On August 11, former Drug Control Agency chairman General Ghaffor Mirzoyev was sentenced to life imprisonment on charges including murder, illegal use of bodyguards, possession of arms, and privatization of government property and other illegal economic activities; observers believed the charges to have a political element, but most recognized Mirzoyev as a corrupt official with alleged narcotics connections. Fifteen of his supporters were also imprisoned. During the year Mirzoyev petitioned to appeal his conviction, but the courts rejected his application.

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 April 2005 kidnapping and return to the country from Moscow by unknown forces. In October 2005 the Supreme Court sentenced Iskandarov to 23 years in prison as well as other penalties, including restitution of $434,782 (1.5 million somoni) allegedly embezzled from Tojikgaz. While most observers believed alle-

gations of corruption and embezzlement were well-founded, local observers, human rights activists, and the political opposition charged that Iskandarov's arrest, trial, and verdict were politically motivated to intimidate future political challengers. Although Iskandarov was convicted, he remained in a pretrial detention facility at year's end.

Former interior minister Yakub Salimov remained in prison serving a 15-year sentence for crimes against the state and high treason following his April 2005 closed trial.

IRPT member Saifiddin Fayzov, arrested and sentenced to four years in jail in November 2005 for allegedly being "rough" towards an election official following the parliamentary elections, remained in jail after an unsuccessful IRPT appeal.

Rustam Fayziev, deputy chairman of the unregistered Party of Progress, was serving a five-year sentence in jail for insulting and defaming President Rahmonov in a 2005 letter. Mukhtor Boqizoda, editor in chief of the independent newspaper Nerui Sukhan, was serving a two-year sentence for stealing electricity. Nizomiddin Begmatov, Chairman of the SDPT in Rasulov District, and Nasim Shukurov, member of the presidium of the SDPT in the same district, were released in January and February, respectively.

Yoribek Ibrohimov "Shaykh" remained imprisoned serving a 24-year sentence for attacking a government office. Ibrohimov maintained his innocence and alleged that authorities tortured and beat him, resulting in a broken leg (see section 1.c.).

IRPT officials Shamsiddin Shamsiddinov and Qosim Rakhimov, both sentenced in 2004, remained in prison. The IRPT alleged that their convictions were politically motivated to discredit the party and not an abuse of religious freedom.

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.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, although police forces committed some 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 do so in certain cases.

Family members of alleged HT members claimed that they were mistreated and beaten while in police custody (see sections 1.c., 1.d., and 2.b.).

Police and Interior Ministry officials often harassed the families of suspects in pretrial detention or threatened to do so to elicit confessions (see section 1.c.).

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 individuals who disagreed with government policies were subjected to intimidation and discouraged from speaking freely or critically. Government interference was particularly acute surrounding the November Presidential election.

Of the 61 HT members detained during the year, the majority faced charges of publicly calling for the overthrow of the constitution and the dissemination of subversive literature.

The independent media were active but subjected to different means of government control and intimidation; some exerted self-censorship out of fear of government reprisal. As in previous years, the Government maintained control over the media. According to international observers and media monitoring groups, the pattern was part of the Government's effort to consolidate power and influence in advance of the November Presidential elections.

There were numerous print media outlets, private television, and radio stations, as well as six government television stations. Of the 25 private television stations, only a handful were genuinely independent, and not all of them operated without official interference. During the year the MOJ registered two new newspapers publishing political material, Fakti I Kommentari and Sobitiye. Six new publications were registered in total; the other two focused on entertainment or other nonpolitical topics. The Government also permitted an opposition newspaper, published by the Democratic Party of Tajikistan, to print for a limited time. Newspapers can be freely printed and distributed without government registration as long as the

number of copies does not exceed 99. Some newspapers abided by that rule in order to avoid registration. In August the Government registered three television stations and five radio companies as official organizations; only the three television stations and one radio station received licenses to operate. Broadcasting entities require registration and a license in order to apply for frequency operation and before the entity can truly be on the air. The majority of international media were allowed to operate freely, including rebroadcasts of Russian television and radio programs.

During the year the BBC was denied a renewal of its license to broadcast on FM radio; it remained operational on a middle frequency wavelength with limited broadcasting ability. Observers generally attributed the delay in issuance of registration and license to the Government's efforts to keep tight control on media prior to the November election. The Government claimed that the BBC had not properly registered and that an intergovernmental agreement on television broadcasting was required. At year's end the BBC was not broadcasting on FM frequency.

From April to July, the Government temporarily suspended the Union of Journalists. The suspension was a move to oust the corrupt former chairman. A new chairman was appointed and the Union of Journalists continued to operate at year's end. The union is perceived as being largely government influenced.

In July three leading media associations collaborated to form a new coalition, Partnership for Democracy, to address misunderstandings among journalistic bodies and foster improved relations between mass media and the Government. Partnership for Democracy consisted of the National Association of Independent Mass Media in Tajikistan (NAMSIT), the Tajik Association of Independent Electronic Media, and the Media Alliance of Tajikistan. All three organizations continued to operate as individual entities as well.

International NGO Internews continued to experience registration and licensing problems that prevented the launch of six new community radio stations under its auspices (see section 4).

The Government subsidized a large majority of state-sanctioned publications and broadcast productions. Some of the independent stations had their own studio facilities and broadcast equipment, but most depended on government-owned transmission equipment to broadcast their programs; the Government did not interfere with their broadcasts.

Independent radio and television stations continued to experience administrative harassment and bureaucratic delays. Individual journalists were also subjected to harassment and intimidation on occasion, sometimes perpetrated by government authorities. Unlike the previous year, there were no instances of violence against journalists by unidentified persons.

Mukhtor Boqizoda, editor in chief of independent newspaper Nerui Sukhan, was sentenced in 2005 to two years' labor for the illegal use of electricity (for use for his foundation's printing house); such offenses ordinarily receive an administrative fine. Boqizoda's newspaper was known for criticizing government policy and the President. In January the Supreme Court ordered the Dushanbe City court to reverse the verdict and issue a penalty of a fine instead of two year's labor, and he was released. However, Nerui Sukhan was not published during the year. There was no progress in the case of Rajabi Mirzo, the editor in chief of Ruzi Nav, who was beaten in 2004 by unknown assailants near his home in Dushanbe.

In September police detained two journalists for filming students picking cotton in Qorghan-Teppa, a violation of labor laws. Authorities released the journalists and warned them not to publish material that may destabilize the country.

Other common types of harassment included trials to intimidate other 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 relatively independent publications and television and radio stations, such as by counting the number of copies compared to the declared circulation to make sure publications do not exceed the permitted number. Although this practice was mainly a tax issue, it was also used for political harassment.

The Government controlled most printing presses, the supply of newsprint, and broadcasting transmission facilities. In January 2005 the Government closed the private printing house Kayhon, the publisher of independent newspaper Nerui Sukhan, which was among four popular independent newspapers (including, Ruzi Nav and Odamu Olam) that remained unpublished in 2005 because state and private printing houses refused to print them. Odamu Olam and Nerui Sukhan did not print during the year. Other independent newspapers faced similar difficulties. In September Shafohi, a new press operated by the owners of Kayhon, began printing Adolat, the newspaper belonging to Iskandarov's faction of the Democratic Party of Tajikistan. However, in November the Government pressured Shafohi to stop printing Adolat. At approximately the same time, the new faction of the Democratic

Party of Tajikistan began printing its own paper, also called Adolat, which was allowed to print unhindered.

The Government also restricted broadcast licenses. To obtain a broadcast license, individuals must apply to the Ministry of Communications and the State Television and Radio Committee. The Government continued the revision of broadcast licensing regulations with public debate and input by journalists, but the process was lengthy and licensing of new broadcast outlets generally remained suspended. The Government granted three broadcast licenses, one for the state-controlled Bahoriston and two for nongovernmental television stations.

Journalists reported that government officials limited their access to information or provided advice on what news should not be covered. Editors and reporters frequently exercised self-censorship to avoid problems with the authorities, including reprisals, and fearing violence such as that committed against journalists during the civil war. NANMSIT annual reports articulated the primary problem facing media to be correspondents' limited access to information. In response the Government mandated regular press conferences by ministries in which generally laudatory reports were presented and hard questions ignored.

Under the law a person can be imprisoned for up to five years for insulting the President. In 2005 Rustam Fayziev received this sentence for insulting the President (see section 1.e.).

Latif Vakhob, deputy director of Nerui Sukhan, completed his 2005 sentence of one-year forced labor and a fine for a 2004 article accusing a professor of bribery; this was seen as a comparatively excessive penalty for libel.

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. The August Presidential election decrees permitted candidates limited free airtime on state-operated television. The incumbent President received more airtime on state media than the opposition candidates.

Internet Freedom.—On September 7, the Communications Ministry ordered Internet providers to block access to Web sites that "undermined the state's policies," including at least five sites that frequently criticized the Government: centralasia.ru, ferghana.ru, tajikistantimes.ru, charogiruz.ru, and arianastorm.com. Some service providers did not initially comply with the request. On October 11, the Government reversed its decision after many complaints, but four sites remained blocked at year's end.

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 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. Fear of reprisal was so widespread that unapproved public protests or political demonstrations were rare; the public was also wary of any action that could precipitate a return to the civil war violence of the 1990s. In general the Government refused to grant demonstration permits in fear that large gatherings of people would lead to violence and political upheaval.

In August the IRPT applied for a permit to organize a rally protesting Israel's actions in Lebanon. The Government denied its application. No public demonstrations were permitted during the year.

On November 4 the authorities arrested four members of the Iskandarov-led faction of the Democratic Party of Tajikistan, including Rajabi Mirzo (see section 2.a.) for protesting in front of the MOJ. On November 19, members were released after 15 day's imprisonment.

Freedom of Association.—The law provides for freedom of association; however, the Government sometimes restricted this right in practice. All NGOs must register with the MOJ. International NGOs, particularly ones supported by Western donors and involved in democracy-building activities, faced registration problems from the Government (see section 4). Officials cited technical application and legal problems, which delayed the process.

As in the previous year, the Government increased its monitoring of the activities of religious institutions, as well as groups, to prevent them from becoming overtly political. Authorities arrested some individuals, such as members of the banned extremist HT organization, and sentenced them to long prison terms for subversion and other crimes. Others remained in detention awaiting trial or sentencing (see sections 1.c. and 1.d.).

In 2004, the Government's concern about Islamic fundamentalism among the country's Muslim population prompted it to ban HT for alleged links with terrorist organizations. 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 called the Caliphate.

According to the Prosecutor General's Office, during the year the Government filed 60 criminal proceedings against 61 HT activists. All 61 were convicted on charges of active membership in the organization, failure to report criminal activity, distribution of extremist literature, inciting religious hatred, and seeking to disrupt constitutional order; they were sentenced to up to 12 years in prison.

The Government continued to refuse to register political parties and associations that it considered opposition groups.

c. Freedom of Religion.—The law provides for freedom of religion; however, the Government imposed some restrictions.

The country is a secular state, and the Government did not explicitly ban, prohibit, or discourage specific religions from practicing their beliefs. Islam is the majority religion, and the Government promoted respect for traditional Islam; however, it viewed extremist Islamist groups as a threat to national security (see section 2.b.). The law requires all religious communities to be registered by the State Committee on Religious Affairs (SCRA). 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 SCRA sometimes put up bureaucratic and technical hurdles to impede registration of new religious organizations. Many mosques and organized groups remained unregistered. The SCRA organized regular annual training courses for imams and other mosque employees. Local observers reported the Government used the exercise as a means to improve the knowledge of the imams by teaching them the Government's perceptions about various sects and new developments in Islam as well as the dangers of HT.

During the year 16 new large "Friday praying" mosques and 16 regular daily praying mosques were registered.

The Government in Tursunzoda would not register the local chapter of Jehovah's Witnesses, although the national charter was approved and the group was registered. During the year the militia confiscated religious literature imported by Jehovah's Witnesses. The militia released the material after detaining nine members and questioning them for three hours.

In April 2005 the SCRA banned activity of the Son Min Church in the Sughd Region for violations of their charter. Son Min revised its charter and functioned without interference.

Missionaries of registered religious groups were not legally restricted and proselytized openly. However, the Government's fear of Islamic extremism prompted it to restrict visas for Muslim missionaries. Local communities did not always welcome missionaries and harassed some religious groups in response to evangelical activities. In response to public complaints regarding missionaries, the Government issued warnings and questioned groups that proselytized. Local Islamic missionaries proselytizing in Kulob were detained briefly by police.

The Council of Ulamo, an NGO of Islamic scholars that addresses religious issues and questions, issued a fatwa in 2004 that prohibited women from worshipping in mosques. Some Mullahs spoke out against women attending mosques, despite support from some Islamic scholars and several mosques for them to attend.

Some regional and local interior departments, mainly in the Sughd region, continued to refuse to issue internal identification documents to women who refused to be photographed without the hijab (headscarf). The SCRA intervened as needed to allow those women to obtain documents. In October 2005 the Minister of Education issued a statement during a press conference banning hijabs in schools and institutions of higher education; he cited the need to uphold secular education, although this provision is not the law. Many female students and teachers were expelled from schools for wearing hijabs. There was no official government reaction to the ongoing expulsions.

A mandatory course on the History of Religions was taught in schools at the 10th grade level.

The Government indicated that religious instruction should not take place at home, which could deprive many women and children access to religious practice.

Authorities at times restricted Muslim religious activities. For example, government printing houses are 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 no restrictions on private Arabic

language schools, but restrictions on home-based Islamic instruction remained in place because of political concerns.

The SCRA controlled and organized hajj participation by citizens. The SCRA required hajj pilgrims to register with authorities and travel by air using the state-owned airline, citing hygiene and safety concerns regarding other means of travel. During the January hajj campaign, the SCRA placed a quota of 3,500 citizen hajjis, far below Saudi Arabia's 6,000 limit for the country, and only permitted 3,450 to travel. During the year the newspaper Najot alleged that Chairman of the SCRA Murodullo Davlatov had solicited one million dollars from hajjis, who are required to deposit $2,300 (7,935 somonis) for travel costs with the SCRA. There was no official investigation into the accusation. The Government also controlled a second hajj campaign in December. As opposed to previous state controlled hajj trips, the Government lifted the quota limit and all restrictions except for a minimum age requirement of 18 years. The cost of the hajj campaign was $2,500 and 4,600 people participated.

During the year the SCRA issued a draft law on religion for commentary. The draft law restricts freedom of religion, tightening registration requirements to make it more difficult for religious institutions to register and establish themselves, prohibiting the religious education of children under the age of seven in private homes without registration, and limiting the number of mosques in a geographic region. The draft law was being reviewed by some parliament committees at year's end.

Under a Presidential decree that reorganized the Government structure, the SCRA was placed under the control of the Ministry of Culture; some observers felt this was an effort to exercise more control and oversight over the committee. The committee chairman remained in place.

Societal Abuses and Discrimination.—There were about 200 Jews in the country. Some imams and mullahs reportedly preached anti-Semitic messages in mosques. In August and September, unknown assailants attacked the only synagogue in the country using Molotov cocktails. The September attack coincided with an attack on the Russian Orthodox Church and followed a break-in at the rabbi's residence. At year's end authorities were investigating the incidents. On February 8, municipal officials partially tore down Dushanbe's synagogue, along with one mosque and several administrative buildings, in a land dispute unrelated to religious discrimination.

In a July 13 press conference, Murodullo Davlatov reportedly stated that Jehovah's Witnesses' proselytizing aroused "public indignation."

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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 (MFA). The restriction was not always enforced along the western part of the 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 region 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 MOI prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport, and persons who settle abroad are required to inform the country's embassy or interest section of the nearest Russian embassy or consulate.

Most persons who left the country were permitted to return freely. A few people active with the opposition who left during the civil war experienced administrative difficulty in obtaining new documents that would permit them to return. Those who were pardoned are permitted to return; high-level military officials were not pardoned. 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 UN 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, however, the Government's

protection of refugees continued to deteriorate. During the year refusals to applicants for asylum or refugee status continued to increase.

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. In past years the Government registered asylum seekers up to one year. However, during the year, in an effort to ensure that asylum seekers do not become residents, the Government only granted refugee status to asylum seekers for three months. Refugee status could be continually renewed in three-month increments. The Government also provided some temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 Protocol. In April 2005 the Government denied UNHCR its observer status in the Refugee Status Determination Commission; but in August the Government reinstated UNHCR's participation.

The Government deported four refugees to Afghanistan, prompting UNHCR protest. The refugees were not given access to lawyers or the opportunity to appeal the decision, as provided for by law. During the year two of the three deported refugees were permitted to return to the country.

A group of mostly Afghan refugees, whom UNHCR had prescreened for asylum, remained in the country with no clear future. They were awaiting integration into society or third country resettlement. Police officers 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 was working with the Government to implement legislation allowing refugees to obtain legal residency or citizenship; no refugee was granted citizenship or presumed legal residency during the year.

Afghan refugees were summarily deported without consultation with UNHCR, families were broken up, and the Government was not responsive to UNHCR's 2005 protests.

Refugees currently in detention were denied the right to speak to a lawyer and the right to appeal a deportation decision within one 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 country's political process made little progress in its transition from a Soviet-style system. The President, together with an inner circle of loyal supporters primarily from his home region of Kulob, continued to dominate the Government and further consolidated his power. The President's political party, the People's Democratic Party of Tajikistan (PDPT), held the majority of parliamentary seats and government positions. The President had broad authority to appoint and dismiss officials.

Elections and Political Participation.—International observers concluded that democratic electoral practices were not fully tested in the November 6 Presidential election due to the absence of genuine competition and political pluralism, which allowed voters only nominal choices. Requirements for candidates to collect signatures from 5 percent 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 Rahmonov; the other four were considered to support the incumbent administration's policies. President Rahmonov won a third seven-year term with a reported 79.3 percent of the vote. The Organization for Security and Co-operation in Europe reported the Government did not adequately implement improvements in the legislative and administrative framework, officials exercised excessive control during the campaign period, and that the actual voter turnout, while high, did not reach the 91 percent officially reported.

There were some improvements to the election process. The Government worked with NGOs to educate the public on proper voting procedures. Prior to the election, the Central Commission on Elections and Referenda issued official decrees to clarify media airtime regulations for candidates, candidate's registration procedures, and voting day rules.

President Rahmonov and his administration stressed a policy of noninterference in the election process prior to November. Despite this stance, during the election observers witnessed examples of officials failing to follow procedure and denying the presence of official and accredited observers; family, proxy, and multiple voting; and ballot box stuffing. The media environment was largely under government control

and Internet sites were blocked in advance of elections (see section 2.a.). Prior to election day, election commission officials were seen actively campaigning on behalf of the incumbent President.

The PDPT continued to control an overwhelming majority of seats in both houses of parliament, the Majlisi Oli. The PDPT's majority status resulted in a legislative branch dominated by the executive branch.

Eight political parties were legally registered in the country. 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. At year's end the MOJ had not registered the Unity Party, although it was not banned explicitly. Of three new parties seeking registration, only the Party of Economic Reform of Tajikistan and a second Agrarian Party of Tajikistan were successful. The Party of Vahdat (Unity) was not registered due to technical registration difficulties, but the party asserted the delay was politically motivated. The Progress Party of Tajikistan did not seek registration during the year. 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, including unregistered ones, 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 (see section 2.a.). The chairman of the SDPT alleged that the Government systematically harassed its supporters. The Government occasionally sidelined political opponents and potential rivals by bringing criminal charges against them. While some of the charges were likely accurate, observers suggested the court cases were politically motivated (see section 1.e.).

During the year Rahmatullo Zoyirov, Chairman of the SDPT, was questioned by the General Prosecutor's Office. Zoyirov also suffered health problems and alleged he was poisoned.

The Democratic Party of Tajikistan alleged that the Government assisted in dividing the party leading to the 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 imprisoned Chairman, Mahmadruzi Iskandarov. The party appealed 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 $405.80 (1,400 somonis), 200 times the minimum monthly wage, which could prevent opposition candidates from running in parliamentary elections. The Presidential election code does not require Presidential candidates to pay a registration fee.

There were 16 women (11 in the lower and five in the upper house) in the 96-seat parliament; one held a position as deputy speaker of the parliament and two were heads of committees in the lower house of parliament. Most ministries have one female deputy minister, according to unofficial quotas; one of the deputy prime ministers and one minister were women.

There were three members of minorities (two Uzbeks and one Kyrgyz) in the 96-seat legislature. Ethnic Uzbeks were represented in the Government, although not in direct policymaking roles.

Government Corruption and Transparency.—Corruption in the country was widespread and pervasive, particularly bribery and nepotism and the majority of citizens acknowledge corruption is endemic. The Government acknowledged the problem and took steps to combat corruption, including trying officials and judges for taking bribes. During the year the President also acknowledged that over 800 civil servants had been arrested on drug-trafficking charges in the past five years.

The Government's Center for Strategic Research Studies in cooperation with the UN Development Program conducted a study on government corruption and held seminar discussions on the topic. The General Prosecutor's Office also investigated 112 cases of corruption by government employees. According to a survey published during the year in the newspaper Asia-Plus, 65 percent of respondents stated they would like to talk about corruption if given the opportunity to speak with the country's President. According to a Center for Strategic Research Studies survey, participants responded that the most common form of corruption was bribery of civil servants. Over 58 percent of respondents believed corruption was a serious problem that affected their daily lives and nearly 64 percent felt corruption was a priority problem for the country.

Although the law requires government officials to provide information to journalists upon request, there was no legal provision for regular citizens' public 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. In response to criticisms, the Government mandated regular press conferences by ministries in which generally laudatory reports were presented and critical questions ignored.

Section 4. Governmental Attitude 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, activities, and financial status. Government officials were only somewhat responsive to the views of human rights groups. The Government 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, and the number of domestic human rights organizations slightly increased during the year. There were over 2,700 NGOs in the country focusing on a wide variety of issues, including child welfare, civil society, mass media, and health. At times authorities restricted freedom of assembly and association for organizations involved in political activities, and forming and registering an NGO with the MOJ remained cumbersome and bureaucratic. Otherwise, local NGOs generally did not face systematic governmental harassment.

The Government permitted some international NGOs to operate in the country. During the year the Government continued to deny the registration and reregistration of several international NGOs working on democracy issues. NGOs were asked to reregister with the MOJ to implement a law passed three years ago; observers believed the provision was designed to control NGO activity. International NGOs and their local staff continued to face a pattern of harassment on a variety of issues.

The Government's Office for Constitutional Guarantees of Citizens' Rights under the President continued its work of investigating and answering citizens' complaints; however, the country does not have an independent ombudsman. 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 lacked full independence. The committee's primary responsibility is to vet new proposed legislation for compliance with human rights obligations.

The Government 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 somewhat effective.

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 up to 15 years' imprisonment. Accurate statistics on the number of domestic violence cases were difficult to estimate. 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 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.

A handful of domestic and international NGOs supported women's resource centers to assist rape and spousal abuse victims. Government funding for such centers 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 UN conventions. A shelter in Khujand reported organizing over 300 psychological and legal consultations over a nine-month period and another 1,000 consultations over a telephone hot line.

Prostitution is illegal, although in practice apprehended prostitutes were assessed a nominal fine and released. Pimps and madams were prosecuted regularly. Prostitution was a growing problem.

Trafficking and women and children for the purposes of sexual exploitation trafficking of men for the purpose of forced labor was a serious problem (see section 5, Trafficking).

The law prohibits sexual harassment with penalties of up to two 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. Local observers said the fatwa was discriminatory and a step backwards from gender equality. 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 informal 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, while most children were enrolled in school until the mandatory secondary level, attendance was estimated to be lower because children worked in the home or in informal activities to supplement family income (see section 6.d.). 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 underfunded 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 were a few reports of violence against children.

Underage marriage was widespread in rural areas, a practice influenced by the high level of poverty and unemployment which compelled many families to marry off their daughters as soon as possible.

Trafficking continued to be a problem (see section 5, Trafficking).

Child labor continued to be a problem (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons from the country was a problem. The Government acknowledged that officials facilitated trafficking.

Trafficking in persons was a serious problem. The country was a source point for trafficked persons, primarily women and girls; trafficking within the country was also a problem. Men and boys were reportedly trafficked and used for labor. Media reports estimated that over 1,000 persons were victims of trafficking during the year. According to the MOI and information gathered from antitrafficking hot lines, victims came primarily from Khujand or Dushanbe and most were trafficked to Russia, former Soviet countries, the Persian Gulf states (including the United Arab Emirates, Iran, Kuwait, and Saudi Arabia), and Turkey. According to official MOI data, at least 420 women from the country were trafficked for purposes of commercial sexual exploitation to the former Soviet Union and Middle East countries, including over 250 in the United Arab Emirates.

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 with little formal education. 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; some were 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 throughout their community to create a trafficking network. Recruiters were also often 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 also were cases of false wedding proposals and, on occasion, kidnappings in rural areas. Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among 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. There were also reports of male and female medical professionals trafficked from the country to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

The law criminalizes trafficking in persons with penalties of imprisonment from two to 12 years and confiscation of personal property. The average sentence for convicted traffickers ranged from five 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 five to 20 years.

According to the International Organization for Migration (IOM), during the year 43 cases of trafficking in persons were reported compared to 81 cases in 2005, nine of which were related to trafficking of minors and newborns during the first six months of the year. The rest were mostly related to trafficking of women abroad for commercial sexual exploitation. According to the MOI, 23 criminal groups involved in trafficking of persons were exposed during the year; 13 of them were revealed as the result of international cooperation. Specialized antitrafficking law enforcement units continued to investigate reported trafficking cases, with 43 trafficking cases launched and 61 traffickers convicted during the year, a dramatic increase from 27 convictions in the previous year.

The MOI is responsible for trafficking investigations and arrests, the General Prosecutor's Office is responsible for prosecuting and sentencing convicted traffickers, and the MFA is responsible for trafficking-related repatriation and extradition matters. The Trafficking in Persons Investigative Unit, composed of four female investigators within the MOI, was responsible for combating kidnapping, trafficking in persons, and racketeering; the five officers in this year-old division were assigned to investigate trafficking cases. The division 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 focused on coordinating antitrafficking efforts and signed 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 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' data in and out of the country. During the year the State Migration Service established a database to track trafficking acts.

During the year government and IOM representatives repatriated 21 women to the country. Upon return they were provided with medical assistance, training, and other types of support. During the year the IOM assisted in repatriating three men who were victims of labor trafficking.

There was no indication of widespread institutional involvement in trafficking by the Government. 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 also believed that certain government officials acted as patrons or protectors of individuals who were di-

rectly involved in trafficking. During the year authorities prosecuted some low-level government officials for involvement in facilitating trafficking such as providing false passports. Traffickers used their contacts in government agencies to illegally obtain false documents. In 2005 14 low-level law enforcement officers who were arrested in 2004 for engaging in the commercial sexual exploitation of underage girls were dismissed from their positions; no more recent statistics were available.

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 the 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. During the year 24 repatriated trafficking victims received such government assistance. The Government, with the help of IOM, established two shelters for female trafficking victims.

There were approximately 20 NGOs involved in antitrafficking 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 hotline 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. The Government cooperated with NGOs to raise public awareness on trafficking in persons. 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 antitrafficking 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.

During the year 13 mentally or physically disabled children were killed in an orphanage fire in Dushanbe. The Government established a commission to investigate the tragedy and the director and other administrators of the orphanage were sentenced to between 2 and 15 years imprisonment for a variety of charges including negligent homicide, abuse of power, embezzlement of state funds, and misappropriation of foreign aid.

The Ministry of Labor and Social Welfare, the Government 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.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions and they did so in practice. According to official figures approximately 90 percent of the labor force was unionized. Most unions were affiliated with the Federation of Trade Unions of Tajikistan, an independent umbrella organization that attempted to represent all trade unions in the country. However, it was largely seen as ineffective and generally supportive of government policies. The law does not specifically prohibit antiunion discrimination; however, there were no reported incidents of antiunion discrimination in practice.

From April to July, the Government temporarily suspended the Union of Journalists. The suspension was a move to oust the former chairman who was widely perceived as corrupt (see section 2.a.).

b. The Right To Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, except "in cases specified by law," and the Government protected this right in practice. The laws provide for the right to organize and bargain collectively, and workers exercised this right in practice. Col-

lective bargaining contracts covered 90 percent of workers. The law does not restrict the right to strike, but there were no strikes during the year. In practice people were reluctant to strike due to fears of government retaliation.

There were 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 (see sections 5 and 6.d.).

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. Although all state farms were privatized, some farmers chose to work in collective groups for financial reasons. Workers usually were neither paid nor provided the services they were given under the former collective system for this labor, such as health care and education.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a 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 six hours a day and 36 hours per week. Children as young as seven years old may participate in household labor and agricultural work, which are separately classified 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.

Trafficking of children occurred (see section 5).

Unions were 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. Enforcement of child labor laws was the responsibility of the Prosecutor's Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices.

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 previous years. The IOM estimated that 40 percent of the country's cotton was picked by students, and according to World Bank statistics, as many as one in eight children worked full-time instead of attending school.

In August the President issued a decree against students picking cotton, and some authorities in the west and south of the country noted this was the first harvest students had not picked cotton. However, there were also reports that local authorities pulled students from school to help with the annual 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.

e. Acceptable Conditions of Work.—The official national minimum monthly wage, which increased to $5.80 (20 somoni) a month during the year, 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, both governmental and private, compensated their employees in kind 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 two hours paid at 1° 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 re-

move themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and few workers did so in practice.

TURKMENISTAN

Although the constitution declares the country to be a secular democracy and Presidential republic, Turkmenistan, with a population of approximately 5 million people, is an authoritarian state that was dominated by President-for-life Saparmyrat Niyazov, who retained his monopoly on political power until his death on December 21. The Halk Maslahaty (people's council) decided on December 26 to select Niyazov's successor through public elections on February 11, 2007. Government efforts continued to focus on fostering centralized state control and the glorification of the President. All candidates who ran in the 2004 parliamentary elections were members of the Democratic Party, the only legally recognized political party in the country, and were cleared by authorities. Candidates who ran in the village, city, and district elections in July and December did not have to be members of the Democratic Party or a state union, though it is unclear how many, if any, of the "non-party" candidates won. The elections did not meet international standards. Of the country's two parliamentary bodies, the 2,500-member people's council is the supreme legislative body and surpasses the 50-member Mejlis (parliament) in authority. The President controlled the judiciary. The civilian authorities generally maintained effective control of the security forces.

The Government continued to commit serious abuses, and its human rights record remained extremely poor. Authorities severely restricted political and civil liberties. Human rights problems included: citizens' inability to change their government; torture and mistreatment of detainees; incommunicado and prolonged detention; abuse of religious minority group members; arbitrary arrest and detention, including family members of accused criminals; 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; a government-maintained blacklist of individuals not permitted to travel abroad; violence against women; and restrictions on free association of workers.

The Government continued to restrict freedom of movement, speech, press, and assembly. Measured improvements in human rights included: a continued decrease in harassment of religious groups, release without sentencing of two conscientious objectors, and dramatically less evidence of child labor during the cotton harvest.

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, although families who have not heard news of imprisoned family members for some time frequently speculated that they may have died in prison.

In August journalist Ogulsapar Myradova was sentenced to six years in prison for weapons possession. On September 13, Myradova died in prison under suspicious circumstances (see sections 1.c. and 2.a.).

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 prohibits 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 was no follow-up action in the 2005 case of Alexander Fatalyiev, who was living in exile at year's end.

The Helsinki Foundation in the country claimed that Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev were tortured during detention in the summer to extract confessions of weapons possession. All three were subsequently sentenced to prison (see sections 1.a. and 2.a.). On September 13, Myradova died in prison under suspicious circumstances.

In September 2005 according to the Helsinki Foundation in the country, a young woman was beaten and raped during seven days at a Turkmenbashy detention facility; she was subsequently sentenced to prison. After this case received international attention, the Supreme Court released her on the grounds that she needed to provide for the child she gave birth to as a result of the rape.

Unlike in the previous year, there were no reports that Ministry of National Security (MNB) members beat Radio Free Europe/Radio Liberty (RFE/RL) associates or members of religious minorities. There were no developments in the case of the 2004 abduction and beating of RFE/RL associate Saparmyrad Ovezberdiev, who was living in external exile.

Authorities detained people in psychiatric hospitals as punishment. For example, on January 4, according to the Moscow-based Memorial Human Rights Center and several other NGOs, Kakabay Tejenov, a 70-year-old pensioner, was forcibly hospitalized in Turkmenabat after he tried to distribute to foreign embassies a statement on human right violations in the country. Amnesty International reported that Tejenov was released on October 24 and was hospitalized for a preexisting medical condition. On October 19, President Niyazov granted Krishna Consciousness Society member Cheper Annaniyazova amnesty; Annaniyzova was released from prison.

There were no known reports during the year of specific incidents of hazing. However, hazing of military conscripts reportedly remained a problem and led to cases of desertion from units where conditions were particularly difficult, according to the Memorial Human Rights Center and the Institute for War and Peace Reporting. According to this report, corruption within the defense ministry and draft commissions, tribal and ethnicity-based rivalries and disregard for the rights of soldiers have led to an increasing number of deaths caused by brutal treatment meted out by soldiers on fellow conscripts. In addition, the standard of combat training decreased as regular military units were transformed into an unpaid labor army doing things that had little to do with the military, such as growing wheat, gathering cotton, and working as hospital attendants, factory workers, or construction laborers.

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 prisoners with TB were released untested and untreated into the general population, although the Government reportedly began screening prisoners for TB, among other diseases, upon their release and provided some treatment in some cases. Prisoners diagnosed with TB were transferred to a special Ministry of Interior hospital in Mary Welayat for treatment. Government officials protested foreign diplomatic missions' allegations of poor prison conditions, but they did not respond to direct inquiries. Nutrition was poor, and prisoners depended on relatives to supplement inadequate food supplies, although prisoners convicted for treason were unable to receive supplies from relatives. The Government defined treason as any opposition to the Government.

Former government officials and others imprisoned for various alleged crimes, including those implicated in the 2002 armed attack against the President, were singled out for harsh treatment. There were no reports available on the conditions and treatment of prisoners arrested after the 2002 armed attack.

Local sources reported that authorities continued to detain and threaten relatives of those implicated in the 2002 attack to coerce confessions and limited their contact with foreigners. Many were placed on a blacklist that prevented them from traveling outside of the country (see section 2.d.).

Government opponents reported that former high-level officials were denied proper medical treatment and suffered beatings while in detention. Security forces also denied them medical treatment and food, and used verbal intimidation to coerce confessions.

Two members of Jehovah's Witnesses were detained for several weeks of physical and psychological harassment; they were subsequently released without being charged (see section 2.c.). On April 12, 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.

The Helsinki Foundation in the country claimed that Ogulspapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyev were tortured during detention in the summer in order to extract confessions of weapons possession. All three were subsequently sentenced to prison (see sections 1.a. and 2.a.). On September 13, Myradova died in prison under suspicious circumstances.

Family members and international publications claimed some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the summer heat. There was no investigation or government response in the August 2005 death in prison of political prisoner Yazgeldi Gudogdyev. According to Turkmen Initiative for Human Rights, in June former Lebap Welayat Hakim (provincial governor) Geday Ahmedov died in prison due to lack of medical care.

There were three types of incarceration facilities throughout the country: educational-labor colonies, correctional-labor colonies, and prisons. Some prisoners, usu-

ally former government officials, were sent into internal exile. 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.

Prisoners connected with the November 2002 attack were reportedly held 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 November 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 (see section 1.e.).

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs (MVD) directs the criminal police, who worked closely with the MNB on matters of national security. The MNB exercises control over 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 some cases receiving international attention, the Government investigated allegations of abuse and held some members of the security forces accountable for abuses. The MNB's primary responsibility was ensuring that the Government remained in power. The MNB limited personal freedoms and maintained a blacklist of citizens restricted from foreign travel. This list was enforced by the MVD's sixth department, the Department of Organized Crime and Terrorism Prevention.

Arrest and Detention.—A warrant is not required for an arrest. Authorities can detain individuals for 72 hours without a formal arrest warrant but legally have to issue a formal bill of indictment within 10 days of arrest to hold detainees longer; however, these provisions were not always adhered to in practice. The chairman of the Cabinet of Ministers, a position held by the President, had sole authority for approving arrest warrants.

Detainees are entitled to immediate access to an attorney once a bill of indictment is issued, and they were able to choose their counsel; 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. By law detainees are to be charged within 72 hours; authorities did not respect this right in practice. There was no bail system. Authorities denied some prisoners visits by family members during the year. Families sometimes did not know the whereabouts of imprisoned relatives (see section 1.c.).

The law characterizes any opposition to the Government as an act of treason. Those convicted faced life imprisonment and were ineligible for amnesty or reduction of sentence. Unlike in previous years, there were no known treason convictions during the year. Those expressing views critical of or different from those of the Government were arrested on charges of economic crimes against the state and various common crimes (see section 2.a.).

Members of Jehovah's Witnesses are occasionally detained for proselytizing in public; although such detention generally lasts only a few hours, two Jehovah's Witnesses were detained for several days in late October, likely because government offices were closed during celebrations of the 15th anniversary of the country's independence.

Pretrial detention may legally last no longer than two months, which in exceptional cases may be extended to one year. In practice pretrial detentions averaged two to three months; authorities often exceeded legal limits.

The Government used house arrest without due process to control regime opponents and prevent citizens from meeting with foreign diplomats. Some nongovernmental organization (NGO) leaders were also discriminately placed under house arrest. During the year relatives of those suspected in the 2002 armed attack and some of the 100 individuals placed under house arrest in 2003 to prevent meeting with the Organization for Security and Cooperation in Europe (OSCE) remained under occasional or permanent house arrest or were restricted from traveling outside of certain regions.

Maral Yklymova, daughter of Saparmurat Yklymov, who was sentenced to lifelong imprisonment in absentia for involvement in the November 2002 assassination attempt against the President, remained in house arrest in Mary. Gurbandurdy Durdykulyev, detained since February 2004 in a psychiatric hospital for petitioning

the Government to hold a peaceful demonstration, was not always allowed to leave his home, although he was released from the hospital April 12 under international pressure. Occasionally, RFE/RL correspondent Halmyrat Gylychdurdyev (see section 2.a.) and Jehovah's Witnesses leader Andrey Zhbanov were not allowed to leave their Ashgabat homes.

During the year numerous former ministers and government officials were dismissed from their positions, sent into internal exile, placed under house arrest, or sentenced to jail terms, often for valid, although politically motivated, charges (see sections 2.e. and 3.). During the year at least 16 former ministers and government officials were sentenced to jail terms or sent into internal exile after dismissal; 35 more officials were fired from their positions, but remained free or their whereabouts were unknown. One of the fired ministers, former Prosecutor General Gurbanbibi Atanayova (see section 3), probably died in prison.

Amnesty.—President Niyazov granted amnesty to 10,056 prisoners on October 19. There were reports of prisoners' families purchasing amnesty, for anywhere from a few hundred to a few thousand dollars, depending on the severity of the crime. Amnestied prisoners swore an oath of allegiance to the Ruhnama, President Niyazov's spiritual guidebook on the country's culture and heritage.

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, who was reviewed by the rubber-stamp parliament. The President has the sole authority to dismiss all judges before the completion of their terms and has done so frequently down to the city level.

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. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

Trial Procedures.—The draft revised criminal procedure code released in 2004 remained pending at year's end. The code could significantly alter the 1961 Soviet code, which was still in force. The proposal incorporated rights of the accused, including the introduction of the presumption of innocence, restraints on police searches, establishment of a bail mechanism, and limits on pretrial detention.

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, 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, and there were few independent lawyers available to represent defendants. There is no jury system. At times defendants were not allowed to confront or question witnesses against them, defendants and their attorneys were denied access to government evidence against them, and defendants frequently did not enjoy a presumption of innocence. 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 when due process rights were observed, the authority of the Government prosecutor far exceeded that of the defense attorney, and it was very difficult for the defendant to receive a fair trial. Court transcripts were frequently flawed or incomplete, especially in cases in which 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. However, in most cases, courts allegedly ignored allegations of torture that defendants raised in trial.

Foreign observers were permitted at some trials. However, many more trials, especially those considered to be politically sensitive, including the trial of Helsinki Foundation affiliate and RFE/RL correspondent Ogulsapar Myradova, were closed to observers (see section 1.c.).

There were regular reports of individuals being arrested and requested to 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 law characterizes any opposition to the Government as an act of treason. Those convicted faced life imprisonment and were ineligible for amnesty or reduction of sentence.

At year's end the Government held at least one political prisoner, Mukhametkuli Aimuradov, imprisoned since 1995. The Government convicted Annakurban Amanklichev and Sapardurdy Hajiyev of weapons possession, although some NGOs maintained that their imprisonment was politically motivated (see sections 1.a. and 1.c.). NGOs made similar assertions when long-time ecologist and environmental activist Andrey Zatoka was detained at Dashoguz airport on charges of disorderly conduct on December 17; he remained under arrest at the end of the reporting period,

pending possible additional charges of weapons and poisonous material possession following a search of his apartment.

Former mufti Nasrullah ibn Ibadullah, sentenced to 22 years' imprisonment on charges of treason in 2004 for involvement in the 2002 attack, remained imprisoned.

The exact location of over 50 prisoners being held in connection with the 2002 attack remained unknown. There were reports they were held at Owadan Depe Prison outside of Ashgabat and subjected to abuse. These prisoners were held on charges of planning an assassination of President Niyazov. There were reports that these prisoners were treated more harshly than others.

Opposition groups and international organizations claimed the Government held many political detainees, although the precise number was unknown. Detainees may include several hundred relatives and associates of those implicated in the November 2002 attack being held without charge for their perceived political opinions and possible involvement in the attack.

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 ICRC, access to detainees or prisoners associated with the November 2002 attack (see section 1.c.).

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 when the state had interests vice an individual citizen, domestic court orders were enforced. 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 (see section 1.f.).

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 routinely, and in some cases forcibly, searched the homes of suspected regime opponents, minority religious groups, and relatives of those suspected in the 2002 attack.

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. There was one government-controlled Internet service provider. The Government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive websites. The Government reportedly intercepted surface mail before delivery, and letter packets and parcels taken to the post office had to remain unsealed for inspection. State-run Turkmenpochta remained the only courier service after the Government closed all international courier services in previous years.

The Government continued to engage in forcible resettlement, a practice observers stated was used to displace internal enemies and political opponents. On April 26, Hajiniyaz Soyunova and Gozel Soyunova, wife and daughter respectively of Nazar Soyunov, an opposition member in exile, were forcibly relocated from their Ashgabat apartment to Balkanabat; they received no compensation for their Ashgabat apartment. Humanitarian conditions of most displaced persons were unknown, and international observers were unable to independently verify all reports of internal migration. Unlike in previous years, there were no new cases of forcible resettlement of ethnic minorities. During the year the Government continued to demolish large numbers of private homes, including those to which residents had valid legal title, as part of an urban renewal program to make way for construction in and around Ashgabat and elsewhere. In some of the worst 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 collect their belongings and vacate, and did not provide homeowners with alternative accommodations or compensation. Others were given two weeks' notice to vacate and offered apartments or plots of land in compensation, on undeveloped or non-irrigated plots that resulted in the loss of livelihood for some. One large demolition project in southern Ashgabat involved 500 families. Another project involved up to 2,000 families, most of whom did not receive compensation unless their housing documentation was in order (see section 2.d.).

Non citizens may marry a citizen only after one year's residency in the country. There were reports of a small number of such marriages.

Authorities punished individuals for the alleged violations of their family members, including with house arrest and detention (see section 1.d.).

The Government targeted family members of suspected or convicted criminals for abuse. Some, like Hajiniyaz and Gozel Soyunov, were forcibly resettled. Others were forced to leave their jobs; still others were banned from traveling outside the country.

Harassment of the relatives of Saparmurat Yklymov, convicted as one of the primary plotters of the 2002 attack, continued (see section 1.d.).

The parents of Arslan Kakaev, the principle suspect in a wire transfer theft of $40 million from the Central Bank in 2001, are in jail, allegedly on fabricated charges. Turkmenistan authorities reported that Kakaev fled the country; Russian newspapers have reported that he was found dead in St. Petersburg.

Maral and Sona Myradova, the two daughters of deceased journalist Ogulsapar Myradova, faced harassment and loss of their jobs following their mother's arrest. Since their mother's death, the authorities have reinstated them in their places of employment.

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. Persons expressing dissenting views were arrested on false charges of committing common crimes and in some cases subject to abuse, harassment, and deprivation, including loss of opportunities for advancement and employment. On January 4, Kakabay Tejenov, a 70-year-old pensioner, was forcibly hospitalized in Turkmenabat after he tried to distribute to foreign embassies a statement on human right violations in the country. On October 24, he was released and was hospitalized because of a preexisting medical condition (see section 1.c.).

Almost all print media were government financed. Except for two private, although government sanctioned, Turkmen/Turkish and Turkmen language periodicals, foreign newspapers were banned. The editorial staffs of the periodicals self-censored the content to not offend the Government. The Government completely controlled radio and local television, but use of satellite dishes enabling access to foreign television programming was widespread throughout the country. There was no access to cable television. The Government required all foreign correspondents to apply for accreditation; however, there were no reported difficulties with foreign media outlet personnel changes during the year. There was only one accredited foreign correspondent in Ashgabat, who worked for the Russian news agency RIA Novosti. In 2005, an ITAR TASS correspondent was deprived of accreditation, and the RIA Novosti correspondent was arrested, accused of espionage, and given a 15-year prison sentence before ultimately being deported to Russia.

During the year government agents reportedly subjected journalists to arrest, harassment, intimidation, and violence. In March according to the Turkmen Initiative for Human Rights, ITAR TASS stringer Anna Kurbanova was deprived of her accreditation for reporting on the January pension reforms.

The Government harassed RFE/RL reporters and associates. RFE/RL stringer Halmyrat Gylychdurdyev faced continued surveillance; on February 18, his cell phone account was cut off during a conference call to Prague to discuss pension cuts. The mobile service provider told Gylychdurdyev that "state security" was responsible for the cut off. Gylychdurdyev obtained a new cell phone account, which was also cut off in early March. Gylychdurdyev's landline had been disconnected since he reported on domestic flour shortages in October 2005. RFE/RL stringer Shamyrat Akoyliyev was warned by national security officers in February of the unacceptability of his affiliation with RFE/RL. Authorities later cut off his telephone line. In June Akoyliyev was taken off a train traveling from Balkanabat to Ashgabat by Ministry of National Security officers. On March 7, RFE/RL stringers Meretmuhammet Hommadov and Jumadurdy Owezov were arrested and sentenced to 15 days' administrative detention on 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."

The Government tried to control its citizens' access to international organizations and missions and to harass citizens cooperating with foreigners. Several foreign workers were asked to leave or denied return entry for affiliating with religious minority groups. Individuals were harassed and threatened in some regions for frequenting foreign-funded information centers. On June 19, the Council of Ministers accused diplomats and the mission of the OSCE of fomenting revolution in the country. As evidence of these charges, the state-run media broadcast pictures of confiscated camera equipment passed to a citizen by a foreign diplomat in order to

cover local events. The diplomatic mission, while acknowledging it had transferred the equipment as journalistic technical assistance, denied that it had any other purpose, and the OSCE center denied authorities' accusations. On August 25, the Government arrested three citizens in connection with this affair, journalists Ogulspapar Myradova, Annakurban Amanklichev and Sapardurdy Hajiyev, and sentenced them to six to seven years imprisonment for weapons possession in a closed trial. An investigation against Amanklichev and Hajiyev into additional charges of espionage and treason was pending at year's end. On September 13, Myradova died in police custody, under mysterious circumstances. 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 (see sections 1.a and 1.c.).

There were no developments and none were expected in the following RFE/RL cases: the 2004 MNB abduction and beating of an associate correspondent, the 2004 arrest of associate Ashyrguly Bayryev for smuggling novels into the country, and the 2004 MNB beating of a Moscow-based correspondent.

The Government initially denied 78-year-old writer Rahim Esenov permission to travel to the United States in order to receive an award. After accusing the OSCE of intervening in internal affairs, the Government allowed Esenov to depart to accept his award. Foreign diplomatic personnel saw Esenov off at the airport, and he returned to Turkmenistan December 27. Esenov had been arrested in 2004 on charges of instigating social, ethnic, and religious hatred for writing a biographical book about a medieval Turkmen figure, which President Niyazov deemed inaccurate because Esenov depicted the protagonist as a Shi'a rather than a Sunni Muslim. All copies of the book were confiscated.

The Government censored newspapers; prepublication approval from the office of the President's press secretary was required. The Government continued to dictate media focus on President Niyazov's achievements to amplify his cult of personality. The President personally approved the first-page content every day of the major dailies, which always included a prominent picture of him. The former editor-in-chief of the newspaper Esger was tried and given a 17-year sentence for unspecified crimes.

In May 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.

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. All publishing companies were government owned, and works on topics that were out of favor with the Government, including fiction, were not published. Although the Government controlled Union of Writers in the past expelled members who criticized government policy, and libraries removed their works, no such cases were reported during the year.

The Government continued to keep Russian government-supported, Russian language Radio Mayak transmissions off the air during the year.

The Government prohibited reporting opposing political views or any criticism of the President. Criticism of officials was only permitted if directed at those who had fallen out of Presidential favor; public criticism of officials was done almost exclusively by the President himself. Domestic journalists and foreign news correspondents engaged in self censorship due to fear of government reprisal.

During the year, the President strongly criticized the poor cotton and wheat harvests, allowing media to join him in criticizing the "irresponsible officials" and "poor management" that led to the poor harvest.

Internet Freedom.—Internet access remained available on a limited basis, and government-owned Turkmen Telecom was the sole provider to the general population. Generally only accredited journalists, embassies, and a few others had satellite Internet access authority. The Government has not issued any new accounts in Ashgabat since September 2002, although government officials reported new accounts were available in the regions. Access was prohibitively expensive for most citizens, and service was poor. Turkmen Telecom blocked access to RFE/RL's Turkmen Service Web site.

Academic Freedom and Cultural Events.—During the year the Government continued to increase already significant restrictions on academic freedom. It did not tolerate criticism of government policy or the President in academic circles, and research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, or theology, was curtailed. No master's degrees or doctorates

have been granted since 1998, and the degrees were no longer obtainable in the country. Government permission is required to study abroad and receive recognition of foreign degrees. Officials from the Ministry of Education and provincial authorities impeded testing for foreign exchange programs and sought to prevent students who were not ethnically Turkmen from participating. UNICEF reported university enrollment decreased from 40,000 in the 1990s to 3,000 in 2004.

Teachers reported having to spend more class time on President Niyazov's works rather than traditional academic subjects. Niyazov's Ruhnama, Ruhnama II, poetry volumes, The Spring of My Inspiration, and My Beloved, were incorporated into the school curriculum.

Security officials instructed intellectuals and artists to praise the President in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. Ministry of Culture officials temporarily were banned from attending foreign embassy functions after foreign embassy officials failed to attend official Ruhnama anniversary commemorative events. Plays required Ministry of Culture approval before opening to the public, to ensure against antigovernment or anti Presidential content. Although classical music was still taught and performed throughout the country, there was little or no government support for non Turkmen music. Pirated copies of international films were available for sale or rent for home viewing, and all public exhibitions-music, art and cultural-are censored then monitored by the Ministry of Culture.

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 did not grant the required permits for any public meetings and demonstrations during the year. Unregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations.

Despite these restrictions, there were reports during the year of protests against cotton policies and pension reform without incident. Protests in April against shortages in basic commodities and lack of occupational safety at a textile factory allegedly resulted in lay-offs in the Kaka Municipality (see section 6).

In 2004 retired citizen Gurbandurdy Durdykuliev was forcibly detained in a psychiatric hospital after requesting permission from authorities to conduct a peaceful demonstration against President Niyazov's policies (see section 1.c.). On April 10, Durdykuliev was released on April 10 after significant international pressure but remained under intermittent house arrest at year's end.

In October in Turkmenabat, local authorities prevented a group of local students from celebrating the holiday of Halloween, first by shutting down the restaurant where organizers had hoped to have the event, and then by entering the venue, where the event was rescheduled, and demanding the event be cancelled. Authorities claimed the event was unauthorized because ticket sales, designed to benefit a senior citizens home, violated tax laws.

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. Criminal penalties for unregistered NGO activity were abolished in 2004, although it is still punishable by fines, short-term detention, and confiscation of property. The Government continued to routinely deny registration to NGOs and other private organizations using subjective criteria.

Of 89 registered NGOs, international organizations considered seven to be independent. The last NGO registration occurred in January 2005. No new groups were registered during the year, and 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. 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.

No political groups critical of government policy met the requirements for registration. The only registered political party was the Democratic Party, the former Communist Party of the country. The Government did not prohibit membership in political organizations; however, in practice those who claimed membership in political organizations other than the Democratic Party were harassed (see section 3).

In December 2005 a member of the Ilkinciler Farmer's Cooperative was convicted of embezzlement and imprisoned, but was amnestied on October 19. In the July gengesh (village council) elections, the cooperative unsuccessfully attempted to run

an independent candidate for local office and was critical of the Government's agricultural policy. The collective farmers believed the conviction was politically motivated. In October two members of Ilkinciler, including the association's head, who were attempting to fly to Kazakhstan for foreign-funded training, were stopped at the airport and not allowed to leave the country. The farmers' association head submitted a letter requesting an explanation to the MNB but did not receive an answer.

On December 17, ecologist and environmental activist Andrey Zatoka was detained on charges of public disorderliness at the Dashoguz airport. NGOs have maintained that Zatoka's arrest was politically motivated (see section 1.e.).

Authorities harassed an unregistered initiative group in Balkan province for implementing a registered grant involving dissemination of pamphlets approved by the Ministry of Health and the World Health Organization (WHO) explaining how to prevent avian influenza. Five members of the initiative group, who were also state healthcare workers, lost their jobs when the group was falsely accused of conducting illegal data gathering.

Numerous recipients of foreign grants throughout the country were harassed following monitoring visits by employees of foreign embassies. In one case, in Mary, the director of a kindergarten was harassed and ultimately transferred to another position in a smaller kindergarten following a monitoring visit. In Dashoguz, a community leader was unofficially told by MNB and provincial education department officials that she should not seek future grants from foreign sources. Also in Dashoguz, officials from the provincial health department told implementers of registered health project grants that they should not seek foreign grants in the future and should avoid contacts with foreign organizations. In Turkmenabat an activist and member of the NGO Merjen was fired from her job in a hospital for her activities, including work with OSCE.

In other cases, the MOJ blocked or failed to act on requests by a civic group in Lebap and an environmental association to register grant projects.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, although the Government restricted this right in practice. There is no state religion, but the majority of the population is Sunni Muslim. The Government has 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 and individual mosques and churches to register with the MOJ and has increased government monitoring of financial and material assistance to religious groups from foreign sources. Groups are required 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. At an October 2005 government meeting with representatives of religious minority groups, 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.

Until 2004 only Sunni Islam or Russian Orthodox congregations were able to register. Since the 2004 decree reducing the minimum number of members to five, congregations from nine other groups have been able to register. No new religious groups were registered during the year. One group that attempted to register had its registration papers returned with suggested changes it believed were unacceptable; at year's end the group was seeking a compromise with authorities. Although the Roman Catholic Church remained unregistered due to difficulties in reconciling Church practices with the country's laws, members were not blocked from attending services. Other non-registered religious congregations such as Jehovah's Witnesses, a separate group of Baptists, and Evangelical Christian groups were present in the country, although the Government restricted their activities. Non-registered groups were officially prohibited from conducting religious activities.

The Government's Council on Religious Affairs (CRA) exercised direct control over the hiring, promotion, firing, and, in some cases, compensation of both Sunni Muslim and Russian Orthodox clergy.

Some members of minority religions claimed that law enforcement officers abused their members. During the year there were reports that government agents detained, interrogated, and pressed religious minority group members to abandon their beliefs. Some were assessed fines.

In July, August, and September several minority religious organizations, registered and unregistered, complained that local police increased harassment, particularly in areas outside of Ashgabat. Baptists, Jehovah's Witnesses, and Seventh-day Adventists experienced disrupted meetings, detentions (including of children), and administrative fines. Between July and August security forces broke up at least

three Baptist meetings in Turkmenabat, Mary, and Dashoguz; members described harassment, detention, questioning, and at least one beating. Jehovah's Witnesses reported eight incidents of harassment or short-term detention for the same time period. Jehovah's Witnesses reported decreased, but continued, harassment.

In 2005 authorities did not allow Pentecostal Church pastor Victor Mokrousov to cross the border into Uzbekistan at the Farap checkpoint and three members of two other religious minority groups were prevented from leaving the country. There were no new reports of obstructed travel based on religious minority group affiliation.

In December 2005 an ethnic Turkmen Baptist leader in Galkynysh district was verbally humiliated in public by the local governor, who accused him of betraying Islam and his country. In March 2005 a policeman arrested Jehovah's Witness member Vladimir Muratov in Ashgabat and used his working folder to hit Muratov on his head. Muratov was released after police confiscated his religious literature, including a Bible.

Jehovah's Witnesses were detained on at least nine occasions in late 2005, including one incident where two women were detained for four days, during which time they were interrogated, threatened with rape, and beaten. During the year there were reported occasions when one or more Jehovah's Witnesses were detained, usually for only a few hours. In late October two Jehovah's Witnesses seeking to proselytize in public were detained for several days likely because government offices had closed down for the 15th anniversary celebration of the country's independence.

Krishna Consciousness Society member Cheper Annaniyazova, who was detained in a psychiatric hospital in 2005 for illegally leaving the country in 2000, was given a seven-year sentence in November 2005 for violating border entry laws (see section 1.c.). Annaniyazova was released during the October 19 amnesty. During the year one imam reportedly was harassed but not detained after meeting with foreign diplomats.

The Government controlled the establishment of Muslim places of worship and limited access to Islamic education. In 2004 President Niyazov announced no more mosques would be built in the country. Registered minority religious groups reported difficulties in finding appropriate places of worship.

In May authorities broke up a meeting of an unregistered Christian group at a private residence in Ashgabat. Officials interrogated the members for several hours, wrote a report, and then requested the members to re-enact the meeting's activities while police videotaped them. In the days following the group's release, police continued to call in local church members and sought to intimidate them into renouncing Christianity for Islam.

Local police officers subjected ethnic Turkmen who converted to non-Russian Orthodox Christianity to official harassment and mistreatment, such as verbal abuse for denying their heritage by converting. According to the Forum 18 news organization, in January, a commission of government officials and a local imam pressured an ethnic Turkmen convert to Christianity to renounce his faith.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

There were no developments concerning the 2005 Jehovah's Witnesses Nazikgul Orazova case for proselytizing and possessing religious literature.

There was no official religious instruction in public schools; however, students were required to study the Ruhnama at all public schools and institutes of higher learning. The President used these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby influence citizens' religious and cultural behavior. Extracurricular religious education was allowed only with CRA and Presidential permission. The Government announced in the summer that it would construct a Ruhnama university with six faculties that would focus on "studying the deep roots of the nation's great spirit." In June 2005 the Turkmen State University Theological Faculty was dissolved and absorbed into the history faculty; only one institution of Islamic education remained open, and the Government controlled the curriculum.

Government-supported mosques were required to display copies of the Ruhnama. Religious literature, with the exception of the Ruhnama, which officially is considered sacred, was not published in the country. 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. Ethnic Turkmen members of unregistered religious groups accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they received financial support from foreign sources.

During the year the Government controlled the number of persons allowed to participate in the annual Muslim pilgrimage to Mecca (the hajj), specifying that only 188 pilgrims would be allowed to journey to Mecca, out of the country's quota of 4,600 persons. However, an unknown additional number of pilgrims participated by arranging travel through overseas travel agencies.

The Seventh-day Adventists reported no further progress in receiving compensation for their church, which was demolished in 1999 due to city reconstruction plans.

Two Jehovah's Witness conscientious objectors were released from detention in December 2005 and in January. In contrast to previous years, they were not tried, although they were subjected to physical and psychological harassment and were forced to sign a confession. One Jehovah's Witness conscientious objector was detained and kept in the psychiatric ward of a military hospital in June, but he was later released with no further attempts to enlist him.

Societal Abuses and Discrimination.—There were 2,000 self-identified Jews and no reports of anti-Semitic acts.

The Government did not seek to promote tolerance education, other than to promote President Niyazov's doctrine of a united people.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution and law do not provide for full freedom of movement.

Internal passports and residency permits were required. The Government controlled travel to border cities and regions, and large parts of the country were considered restricted zones.

The Government denied that it maintained a list of persons not allowed to travel within or depart the country. However, a restrictive December 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 are not informed of their travel restriction prior to arrival at the airport, although citizens have the right to inquire about their travel status at the State Agency for the Registration of Foreign Citizens (Immigration) where a comprehensive list is maintained. Citizens have not encountered problems when asking about their status. Individuals may appeal the temporary travel ban in most cases; however, the process remained unclear and was usually unsuccessful. In practice regime opponents, relatives of those implicated in the 2002 attack, and those considered to possess "state secrets," as well as their relatives, were refused permission to board international flights at the airport.

After foreign diplomatic efforts at the highest levels, four individuals were permitted to leave Turkmenistan for homes in other countries. One person was a dual citizen of another country and the other family was being reunified with a spouse/father who was granted asylum abroad. During the year 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. The Government told the daughters of deceased journalist Ogulsapar Myradova they will not be permitted to travel abroad (see section 1.f.).

The Government also refused to allow some study abroad and exchange program participants to attend programs.

Citizens living in Dashoguz and Lebap provinces may only spend three days a month visiting relatives in the Bukhara and Khorezm provinces of neighboring Uzbekistan, under a 2004 summit agreement between President Niyazov and President of Uzbekistan Karimov. This in some cases impeded citizens' ability to visit relatives.

The law permits forced internal and external exile, and at year's end some individuals remained in forced exile, which the Government used as punishment during the year. The Government confiscated the passports of political opponents to enforce internal exile during the year. Numerous former ministers and government officials dismissed from their positions and sent into internal exile remained under house arrest. The President allowed the officials, who were sometimes accompanied by their families, to work off their sentences in internal exile. Almost all prominent political opponents of the Government chose to move to other countries for reasons of personal safety; none returned during the year.

Alexander Fataliyev remained in external exile, and Sazak Begmedov and Maral Yklymova remained in internal exile or house arrest during the year. Yklymova, the daughter of one of the accused organizers of the November 2002 attacks, remained under house arrest in Mary where she was regularly watched by security officials

and periodically had her passport confiscated and telephone lines cut off. No official charges were ever filed against her.

There continued to be reports that authorities harassed ethnic Russians and confiscated their property to hasten their migration. In contrast to previous years, the Government did not overtly discourage emigration of ethnic Turkmen living in Iran, Iraq, Turkey, and other countries, and emigration of non-Turkmen from the former Soviet Union.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 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. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 Protocol and granted citizenship or legal residency to over 16,000 individuals during the year. 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 Office of the UN 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

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 was absolute; all important and most minor decisions were made at the Presidential level. Citizens swore a national oath of personal allegiance to President Niyazov, rather than just to the country or to the presidency as an institution.

A constitutional amendment named President Niyazov chairman-for-life of the people's council, giving him authority to approve any potential successor. A 1994 national referendum, which was neither free nor fair, extended the President's term, eliminating the 1997 scheduled Presidential election. A 1999 law allowed an exception to constitutionally mandated term limits (normally two five-year terms) for Niyazov, effectively permitting him a lifetime term in office. However, following President Niyazov's death on December 21, the national people's council decided December 26 to select the new President through national elections, to be held February 11, 2007. Under the constitution, Parliament Chairman Ovezgeldy Atayev should have become the interim President, but Gurbanguly Berdimuhammedov, the deputy prime minister, was named instead, allegedly because of an ongoing criminal investigation against Atayev. On December 26, the Halk Maslahty selected six Presidential candidates, changing the constitution to allow the candidacy of Interim President Berdimuhammedov. Residency requirements precluded the candidacy of some exiles who expressed a desire to run for President. Nurberdy Nurmamedov, a dissident figure who lives in Ashgabat and whom some of these exiles hoped would be a candidate, was detained on December 23 and released on December 30.

Elections and Political Participation.—In 2004 parliamentary elections all candidates were pre-approved members of the Democratic Party. Citizens reportedly had very little knowledge about the elections, including both the date and candidates' biographies. Foreign observers were not invited to monitor the elections.

In 2004 President Niyazov committed to hold a series of elections with open nominations at all levels of government, culminating in Presidential elections in 2009. The first of these elections, at the gengesh level, took place in July; citizens elected 5,320 village council members, from multiple candidates, at least some of whom were not affiliated with the party or governmental organizations. It was not clear whether any of the non-party/governmental candidates won. Village councils have little actual decision-making responsibility. While these elections contained genuinely democratic elements, such as non official party candidates, the election process still did not conform to internationally recognized standards.

Elections for etrap (district) level people's councils took place in December. As in the gengesh elections, voters were able to choose among multiple candidates, some of whom were not affiliated with the party or government. Voters selected at least one of these candidates. However, voter turnout was lower than the 96.95 percent rate reported by the Government, and there were some reports of election officials

taking ballot boxes around to voters' homes in order to encourage a higher participation rate.

Although the Government did not prohibit membership in political organizations, political parties other than the President's Democratic Party were banned. Authorities fired or threatened to fire supporters of external opposition movements, removed them from professional societies, and threatened them with the loss of their homes. In addition some citizens who met with foreigners were subject to official intimidation.

There were eight women in the 50-member parliament, including the new Mejlis Chairman, elected in late December. Women were also represented in the 2,500-delegate people's council. Women served in a few prominent government positions: minister of culture, minister of education, minister of welfare and social care, and ambassador to the UN. In April the female prosecutor general was removed from office and prosecuted for illegal activities.

There was one member of a minority group in the 50-seat parliament. This member passed away on November 23, and it is unclear how his seat will be filled. Ethnic minorities were also represented in the 2,500-delegate people's council. Preference for appointed government positions was given to ethnically pure Turkmen, but ethnic minorities occupied several high governmental positions. The largest tribe, the President's Teke tribe, held the most prominent roles in cultural and political life.

Government Corruption and Transparency.—There was widespread corruption 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.

While the President fired numerous officials of all ranks on justifiable charges of bribery, nepotism, abuse of office, and embezzlement, observers maintained that authorities used anticorruption campaigns to remove potential rivals.

During the year, 16 government ministers and officials were exiled or sentenced to jail terms after dismissal. Thirty-five more officials have been fired from their positions but remained free or their status was unknown.

For example, on March 3, the former director of the state-run Turkmenbashy Refinery, Amangeldi Pudakov, was fired and subsequently sentenced for nepotism and corruption; on the same day, the former deputy head of the Turkmengas State Concern Sapar Yoldashev was also fired and jailed for corruption. Observers believed that President Niyazov removed these two individuals in order to increase his direct control over gas and oil revenues.

In April long-time Prosecutor General Gurbanbibi Atajanova, who in recent years oversaw the sentencing of individuals allegedly involved in the 2002 assassination attempt as well as governmental purges, was herself convicted of corruption and embezzlement and sentenced to 20 years' imprisonment. Observers suspected that Atajanova died while in police custody (see section 1.c.). Most of the personnel in the prosecutor general's office were also purged.

There is no law that allows access to government information, and in practice the Government did not provide access. Requests for specific information were denied on the basis of information being a state secret. Statistical data was considered a state secret. There was no public disclosure of demographical data, and published economic and financial data was manipulated to justify state policies and expenditures.

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

There were no domestic human rights groups. The Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. During the year the Government maintained pressure on nonpolitical social and cultural organizations. This included detention and routine summoning for questioning the security services.

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. The ICRC and other international human rights groups monitored the situation from abroad. Government restrictions on freedom of speech, press, and association severely restricted international organizations' ability to investigate and criticize the Government's human rights policies. Officials were somewhat responsive to questions regarding alleged human rights abuses.

The Government did not respond to a critical UNICEF report on the rights of children released June 2. The Government sought to censor an OSCE newsletter reporting the full text of a speech by the visiting OSCE chairman-in-office. Rather than

bow to government demands, the OSCE Center chose to seek publication of the newsletter outside of the country.

The National Institute for Democracy and Human Rights (IDHR), nominally headed by President Niyazov, appeared to have little real authority. In February 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 provides for equal rights and freedoms for all, independent of nationality, origin, language, and gender, violence against women, and discrimination against ethnic minorities continued to be problems.

Women.—The law prohibits domestic violence, including spousal abuse, but it is not effectively enforced. 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.

Rape, including spousal rape, is illegal, with penalties of between three and 25 years based on the level of violence of the incident and whether the attacker is a repeat offender. The Government generally enforced the law effectively against citizens; however, it used rape as a threat against female family members of persons held for religious offenses (see section 2.c.) as well as against detainees (see section 1.c.).

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 there were anecdotal reports that sexual harassment existed in the workforce.

Women had equal rights under family law, property law, and in the judicial system. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. Women were restricted from working in some dangerous and environmentally unsafe jobs. The Mejlis Committee on Human Rights and Liberties is responsible for drafting human rights and gender legislation. This body was responsible for integrating a new gender program into the country's education curriculum and for publishing regular bulletins on national and international gender laws.

The Government did not acknowledge or address discrimination against women.

Children.—The Government did not take effective steps or have adequate resources to fully address the needs of children, in particular in regard to education, according to a UNICEF report on the rights of children.

The Government provided nine years of basic education for girls and boys. Primary and secondary education was free and compulsory. The Government stated that approximately 95 percent of children between the ages of seven and 16 attended school on a regular basis; however, a 2003 UN Development Program report listed school attendance at 81 percent. Most children completed school and some went on to university and vocational schools.

A 2000 Presidential decree continued to reduce the number of teachers; class sizes therefore continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. The amount of classroom time dedicated to learning the Ruhnama and Ruhnama II and other books by Niyazov dramatically limited the school time available for basic core academic subjects. During the year the Government continued to limit courses taught in non-Turkmen languages; the secondary school system further degenerated and educational opportunities were limited. There were no Turkmen-language curricula or textbooks in many subject areas and at most grade levels.

By law the Government provides free health care for children until the age of 18. Hospital care is 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, nine percent of marriages involved children.

Minimal child labor was seen in the cotton fields during the harvest; however, this was not encouraged by the Government and was contrary to a Presidential decree (see section 6.d.).

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, articles in the criminal code deal with sexual exploitation and prostitution, slavery, and encouraging illegal border crossing, which prohibit trafficking de facto. Women were trafficked to, from, and within the country; however, trafficking was not a significant problem.

The Government has used the new migration law to forbid suspected female trafficking victims from boarding planes to Turkey and the United Arab Emirates (UAE), 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.

In contrast to the previous year, there were no reports of trafficked persons during the year. Traffickers are subject to between two and eight years' imprisonment and the confiscation of property, depending on which law they are convicted under. The State Service for the Registration of Foreigners (SSRF) is responsible for combating trafficking.

In 2005 there were eight known cases of trafficking in persons and one successful prosecution on charges of sexual exploitation, slavery, and encouraging deceitful border crossing. The trafficker received a prison sentence of seven years.

The MOJ worked with foreign embassies and international organizations to promote public awareness of trafficking. 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.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, 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. Many persons with physical disabilities were systematically categorized as persons with mental disabilities and housed 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, persons with disabilities were considered "employed," and therefore were 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. There were special schools for the hearing and sight impaired 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 President previously made statements promoting the importance of ethnic purity. Approximately 77 percent of the population was Turkmen, 9 percent Uzbek, and 7 percent Russian. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Turkmen themselves are divided into five main tribes and several additional subtribes. 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.

There were no reports of forced resettlement of ethnic minorities.

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 employees of ministries 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. Teachers and staff at Turkish schools were systematically replaced with ethnic Turkmen teachers and administrators. Only in schools did the Government 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 family information on their ethnicity going back three generations. Non

Turkmen were often the first targeted for dismissal when government layoffs occurred.

Other Societal Abuses and Discrimination.—There was a strong societal dislike of homosexuality. Homosexuality between men is illegal and punishable by up to two years in prison; it was believed that homosexuality between women would also be considered illegal, although it is not specifically written in law.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form or join unions; however, in practice the Government does not permit independent unions. Under the umbrella organization Center for Professional Unions, led by a Presidential appointee, there were numerous professional unions in most fields, including medicine, construction, banking, accounting, economists, entrepreneurs, and leaseholders. Unlike in previous years, unions did not circumvent government restrictions on independent unions by registering as public associations. 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 are government appendages and have no independent voice in their activities. The law does not protect the right of collective bargaining. There is no law regulating strikes or retaliation against strikers, and strikes were extremely rare.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports it occurred (see sections 1.c. and 6).

The Government also prohibits forced and compulsory labor by children. A February 2005 bans child labor and states 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 six hours per day. A 15 year-old child may work four to six 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 are responsible for enforcing child labor laws.

e. Acceptable Conditions of Work.—The minimum monthly wage in the state sector of approximately $40 to $60 (1 to 1.5 million TMM) per month did not provide a decent standard of living for a worker and family.

The standard legal workweek is 40 hours with two days off. Most public-sector employees also worked at least one-half of a work 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 four hours in two 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. In April workers at a knitting factory in Kaka reportedly held a sit-down strike when factory management failed to provide facemasks. After management threatened them with losing their jobs, they went back to work (see section 2.b.).

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. The civilian authorities generally maintained effective control over the security forces.

The Government's human rights record, already poor, continued to worsen during the year. 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 many officials were prosecuted 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 authorities sought to control all nongovernmental organization (NGO) activity, forcing many local and international NGOs to close. 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 several Protestant groups were subjected to harassment. In several cases the Government pressured other countries to forcibly return Uzbek refugees who were under the protection of the Office of the UN High Commissioner for Refugees (UNHCR). There was a widespread public perception of corruption throughout society. While the Government took steps to combat trafficking in persons, this remained a serious 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 during the violent disturbances of May 2005 in Andijon, in which peaceful demonstrations in support of 23 alleged Akromiya members on trial led to civil unrest. On the evening of May 12, 2005, an unknown number of individuals attacked a police garrison, seized weapons, and broke into a nearby prison and released several hundred inmates. Several witnesses claimed that on May 13, 2005, military vehicles drove into Bobur Square, where several thousand civilians had gathered, and fired repeatedly into the crowd without warning. The Government claimed, based on its own investigation, that armed men in the crowd initiated the violence by firing on government forces. The estimated number of dead as a result varied between the Government's total of 187 and eyewitnesses' report of several hundred. While an international investigation did not take place, government officials discussed their own investigation techniques and results with diplomats and other international representatives.

There were no further developments in the September 2005 death of Islamic cleric Shavkat Madumarov, who died in custody three days after he was sentenced to seven years' imprisonment for membership in a banned Islamic group. During the year a local human rights organization reported for the first time on the October 2005 death of Azadbek Satimov, who died in police custody in the Shahrikhon District of Andijon Province. The report stated that numerous bruises and puncture wounds on Satimov's body indicated that his death may have resulted from torture. Police alleged that Satimov killed himself by beating his head against the concrete walls of his cell.

In January 2005 the Government authorized an international investigation of the death in prison that month of Samandar Umarov, who had been serving a 17 year sentence for membership in the prohibited Hizb ut Tahrir (HT) extremist political movement. While Umarov's family believed that torture was the primary cause of death, the independent forensic review, conducted by a foreign pathologist and a for-

eign criminal investigations expert under the auspices of Freedom House, confirmed the conclusions of the original autopsy, which were that Umarov died of a stroke.

The Government previously allowed international experts to investigate the 2004 death in custody of Andrei Shelkavenko. In that case experts concluded that death did not result from police mistreatment.

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 as a result of torture or mistreatment.

Local and international observers reported that persons sentenced to death were often not given an adequate opportunity to mount a defense or to appeal their sentence. 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 UN Special Rapporteur on Torture condemned as "cruel and inhuman." The Government considered the number of prisoners executed each year to be a state secret, and the number was impossible to estimate. In previous years Amnesty International (AI) estimated that scores were executed annually, and the local NGO Mothers against the Death Penalty and Torture had put the number at well over a hundred. According to the UN Rapporteur, at least nine inmates whose death sentences were allegedly based on forced confessions were executed between 2002 and September 2004, despite UN Commission on Human Rights' (UNCHR) requests for their cases to be reviewed.

b. Disappearance.—There were no reports during the year of politically motivated disappearances. There were numerous unconfirmed reports of earlier disappearances in 2005 of persons who were present at the violent disturbances in May 2005 in Andijon. (See section 1.a.). The welfare and whereabouts of several of the refugees who were forcibly returned to the country during the year remained unknown.

There were no developments, and none were expected, in the 2004 disappearance of Farukh Haydarov, Okiljon Yunusov, and Husnuddin Nazarov.

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 tortured, beat, and otherwise mistreated detainees to obtain confessions or incriminating information. Police, prison officials, and the NSS allegedly used suffocation, electric shock, deprivation of food and water, and sexual abuse, with beating the most commonly reported method of abuse. Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Several cases of medical abuse were reported, 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 (see section 1.e.). A 2003 UN Special Rapporteur on Torture report concluded torture and abuse were systematic throughout the investigative process. During the year the Government took no obvious steps to address the UN's conclusions. 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. Judges rarely pursued allegations of torture.

Authorities treated individuals suspected of extreme Islamist political sympathies, particularly alleged members of HT, more harshly than ordinary criminals. There were credible reports that investigators subjected pretrial detainees suspected to be HT members to particularly severe interrogation. After trial authorities reportedly used disciplinary and punitive measures, including torture, more often with prisoners convicted of extremism than with ordinary inmates. Local human rights workers reported that common criminals were often paid or otherwise induced by authorities 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, inmates who refused to write letters disavowing their connection to HT were often beaten or sent into solitary confinement.

In January and February, authorities reportedly beat and otherwise mistreated suspected religious extremist Nozim Rakhmonov during pretrial interrogation while he was in the custody of the NSS (see sections 1.d. and 2.c.).

Between January 15 and March 15, following two months of incommunicado detention pending his trial on espionage charges, former Ministry of Defense official Erkin Musaev reportedly suffered torture during interrogation, including severe beatings to his head, chest, and feet (see section 1.e.).

In March eight defendants from the town of Yangiyul on trial for religious extremism in the Tashkent Province Criminal Court testified that investigators beat and

kicked them during interrogation to coerce them into signing confessions (see section 2.c.). The judge in the case dismissed their allegations of torture, saying the defendants filed the complaints to evade responsibility for their crimes.

There were reports that interrogators subjected Azam and Alisher Karamatov of the Human Rights Society of Uzbekistan (HRSU) to torture and abuse during pretrial detention before their June 15 conviction (see section 4), including dropping them onto concrete floors, forcing needles under their fingernails, suffocating them with gas masks, and burning their skin with lighted cigarettes.

On August 3 and August 11, courts in the Tashkent Province convicted 29 men of HT membership in two separate trials. Several defendants in one trial testified that they confessed their guilt only after interrogators had severely beaten them and threatened them with further torture (see section 1.e.).

There were no developments in the February 2005 case of two Sufi Muslims who claimed that authorities tortured them while in detention (see section 2.c.). In the February 2005 trial in Tashkent of six defendants charged with terrorism, one defendant testified that he had been beaten repeatedly while in custody (see section 1.e.). There were no developments in the June 2005 case in which Ministry of Internal Affairs (MVD) officers allegedly subjected Yakubjon Aliev to repeated, severe beatings during interrogation in connection with alleged religious extremism and anticonstitutional activity. There were also no further developments in the case of the September 2005 death in custody of Shavkat Madumarov, whose family alleged authorities tortured during interrogation and in prison.

During the year outside monitors were unable to gain access to visit the Tashkent MVD, where in 2004 eyewitnesses, family members, defense attorneys, and representatives of human rights groups claimed authorities frequently and systematically applied torture following the March and April 2004 terrorist attacks.

In 2005 inmates and a guard at one prison corroborated reports that prison guards systematically beat suspected HT members following the March and April 2004 terrorist attacks.

As in previous years, there were reports that police beat Jehovah's Witnesses. On April 12, local police in six cities carried out a coordinated raid on Jehovah's Witnesses congregations during worship services; several instances were reported in which police beat church members, in one case resulting in critical injury (see section 2.c.).

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 March 17, police reportedly arrested human rights activist Shokhida Yuldosheva in Tashkent and transported her to a psychiatric institution in Karshi, where she was subjected to three weeks of forced treatment. On May 25, Karshi police reportedly arrested Yuldosheva again and committed her to a second round of psychiatric treatment. Yuldosheva was involved in monitoring trials of regime opponents, and human rights activists believed her detention was politically motivated. Shahnoza Sodikbekova, the daughter of Tashkent human rights activist Shoira Sodikbekova, was reportedly confined on several occasions to psychiatric institutions in previous years. On May 16, a medical commission issued a finding, which human rights activists called politically motivated, recommending further psychiatric treatment for her. On July 7, Tashkent prison authorities committed human rights activist Mutabar Tojiboyeva to a prison psychiatric ward, where doctors reportedly administered oral medications. Four months earlier, Tojiboyeva had been convicted and sentenced to eight years' imprisonment on various criminal charges related to her human rights work. On September 12, authorities arrested journalist Jamshid Karimov, a nephew of President Islam Karimov, and forcibly committed him to a psychiatric institution near Samarkand. Authorities did not allow Karimov contact with his family for the first several weeks of his detention (see sections 1.d. and 2.a.).

There were several instances in which unidentified assailants attacked human rights activists, journalists, and persons planning or participating in public demonstrations (see sections 2.a., 2.b., and 4). On several occasions police forcibly dispersed public demonstrations, beating protesters and causing varying degrees of injuries. On May 12 and 13 in Tashkent, unidentified men forcibly dispersed informal memorial services for victims of the 2005 Andijon violence. On August 18, a group of approximately 20 local women attacked Jizzakh human rights activist Bakhtiyor Hamroyev in his home, causing moderate injuries.

Prison and Detention Center Conditions.—Prison conditions remained poor and life threatening, and there continued to be reports of severe abuses in prisons. Ac-

cording to reports by human rights activists and relatives of prisoners, prison overcrowding remained a problem. Tuberculosis and hepatitis were endemic in the prisons, making even short periods of incarceration potentially life threatening. Prisoners often relied on visits of relatives for food and medicine, which were reportedly in short supply in several prisons. Human rights activists reported that political prisoners and those convicted of membership in banned religious extremist organizations were held in specially demarcated sections of prisons and subjected to harsher conditions and treatment than other prisoners.

As in past years, there were specific reports that inmates died of communicable diseases.

According to human rights activists, on May 1, Kakhramon Teshaboyev died in a Tashkent prison medical facility, four years after he was convicted and sentenced to 18 years in prison on charges of anticonstitutional activity and membership in a criminal organization. The reported cause of death was tuberculosis, and Teshaboyev had spent the six months before his death in the prison infirmary. Authorities reportedly delivered Teshaboyev's body to his family and pressured them to bury it as soon as possible.

There were reports of inmates working in harsh circumstances and in some cases being beaten in detention facilities.

During the year the MVD's Directorate of Prisons (GUIN) continued to operate a prison training center in Tashkent. The center, which was intended to eventually train all of the country's prison guards, utilized a curriculum that included human rights training and basic courses in psychology and prison management.

The Government did not grant full access to outside monitors to prisons and detention centers. As in the previous year, independent human rights organizations did not visit detention facilities to monitor conditions. Throughout the year the International Committee of the Red Cross (ICRC) pursued negotiations with the Government to secure access to all detained persons consistent with ICRC's usual practices.

Human Rights Watch (HRW) and other NGOs reported that government agents arrested and physically abused several Andijon residents who returned from Kyrgyzstan after having fled there in the wake of the May 2005 events in Andijon (see section 2.d.).

There were no further developments, and none were expected, in 2004 criminal proceedings against four police officers in Andijon accused of torturing suspects in a murder investigation.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, these remained problems.

Role of the Police and Security Apparatus.—The MVD 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 officials responsible for abuses were rarely punished. The MVD'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. However, there is no independent body charged with investigating such allegations on a systematic basis. The MVD main investigations directorate incorporated human rights training into officers' career development.

Arrest and Detention.—The law does not require warrants and grants wide discretion as to the proper basis for an arrest, but 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; however, 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 or detaining suspects as witnesses in other cases. 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 must register each day at a local police station.

A Supreme Court decree provides for a defendant's right to counsel from the moment of detention. In practice access to counsel often was denied or delayed. In several cases investigators pressured defendants to sign statements refusing the services of private attorneys whom family members had hired to defend them. In their place authorities appointed state attorneys, who did not provide effective defense.

In several cases during the year, persons were arrested and held incommunicado, without providing suspects with access to an attorney or communication with their families. In January and February, authorities continued to detain several Muslim men, including Sharafutdin Latipov, Nozim Rakhmonov, and Imam Ruhitdin Fakhrutdinov, who had been arrested in Kazakhstan in November 2005 and delivered to Uzbek custody (see sections 2.c. and 2.d.). Some members of the group had been registered as asylum seekers with UNHCR. They were not given access to attorneys or family members until March.

After his January 15 arrest on espionage charges, former Ministry of Defense official Erkin Musaev was held in incommunicado detention for two months (see section 1.e.).

During the year police frequently and arbitrarily arrested or detained individuals for expressing views critical of the Government. These included human rights activist Yodgor Turlibekov (see sections 1.e. and section 4), Utkir Pardayev (see section 4), Alisher Karamatov and Azam Farmonov (see sections 1.c. and section 4), and journalists Ulugbek Haydarov and Jamshid Karimov (see sections 1.c. and 2.a.). In 2005 those arrested on similar grounds included human rights activist Mutabar Tojiboyeva (see sections 1.c., 1.e., and 4) and political opposition figures Nodira Khidoyatova and Sanjar Umarov (see section 1.e.). In many such cases, authorities resorted to false charges of economic crimes such as extortion or tax evasion.

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.

Following the May 2005 events in Andijon, police detained hundreds of citizens on suspicion of involvement in the events. The national human rights NGO Ezgulik compiled a list of arrestees totaling 363 persons, in addition to those already convicted by the end of 2005. Dozens of human rights activists, journalists, and other Andijon residents who had spoken to the press or reported on the events were among those detained or arrested. On January 7, the Tashkent Province Criminal Court convicted one such arrestee, human rights activist Saidjahon Zaynabitdinov, of extremist activity and other offenses and sentenced him to seven years in prison.

On January 12, the Tashkent Province Criminal Court convicted Ferghana Valley-based human rights and political activists Dilmurod Muhiddinov, Musajon Bobojonov, Nurmuhammad Azizov, Akbar Oripov, and Hamdam Sulaymonov on charges of conspiracy to overthrow the constitutional order, slander against the President, and preparing and distributing materials constituting a threat to public security. All five defendants had had copies of an opposition Birlik party statement that condemned the Government's role in the Andijon events. The court sentenced Muhiddinov to five years' imprisonment but released Bobojonov, Azizov, Oripov, and Sulaymonov with suspended sentences.

On February 26, former Radio Free Europe/Radio Liberty (RFE/RL) journalist Nosir Zokir, who was arrested and convicted in August 2005 on charges of insulting an NSS officer, completed his six-month prison sentence and was released. Zokir had reported critically on the Government's role in the Andijon events (see section 2.a.).

On March 6, the Tashkent Province Criminal Court sentenced human rights activist Mutabar Tojiboyeva to nine years' imprisonment on charges including extortion, fraud, tax evasion, forgery, and disseminating materials constituting a threat to public order. Tojiboyeva was arrested in October 2005, and human rights groups asserted the accusations were politically motivated (see section 1.e.).

On April 3, journalist Sobirjon Yakubov was released from prison after a year in detention during which he was never formally charged with a crime. Authorities had arrested Yakubov in April 2005 and accused him of links with banned Islamic groups and of anticonstitutional activity (see section 2.a.).

Authorities continued to arbitrarily arrest persons 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, even if there was no direct evidence of their involvement (see section 1.f.). Authorities made little distinction between actual members and those with marginal affiliation with the group, such as persons who had attended Koranic study sessions with the group.

As in previous years, there were reports that authorities arrested and prosecuted persons based on the possession of HT literature (see section 2.a.). 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, which would have been abundantly available, but on planted material or false testimony.

Police harassed and sometimes arbitrarily detained members of the opposition Birlik, Free Farmers, and Erk parties (see section 3).

During the year pretrial detention typically ranged from one to three months. The number of such prisoners in pretrial detention was unknown.

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 without due process. 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. In several instances police detained Elena Urlayeva at her home to prevent her participation in protest actions.

Amnesty.—On March 2, the Government completed the three month amnesty declared in December 2005. Unlike in previous years, prisoners convicted of membership in banned organizations, including groups the Government defined as extremist, were not eligible for amnesty. Media reported that approximately 28,000 persons were pardoned under the amnesty. As in previous amnesties, prisoners were reportedly forced 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 (see section 1.c.) and accounts of many inmates not being released despite having signed such letters. Despite established conditions allowing release, local prison authorities had considerable discretion in determining who was reviewed for amnesty, and, as in previous years, there were reports of corruption. There were several reports of prisoners being charged with violating prison rules in order to lengthen their sentences; prisoners who habitually violated prison rules were specifically excluded from the December 2005 amnesty. 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. This decision was reportedly frequently made in consultation with local mahalla (neighborhood) committees.

On November 30, on the occasion of the Constitution Day holiday, the senate announced the annual amnesty to be implemented over a three month period. The Government announced that the amnesty would apply to convicts sentenced for up to 10 years' imprisonment for membership in banned organizations and for crimes against peace and security. Authorities released an undetermined number of prisoners under the new amnesty before year's end. Those released included human rights activist Yodgor Turlibekov who, at age 69, fell under the amnesty's provision for release of senior citizens.

The amnesty resolution, as in previous years, specifically excluded those who "systematically violate prison rules." Human rights activists reported that prison authorities cited selected prisoners for repeated violations of internal discipline specifically to render them ineligible for amnesty. Cases in which this tactic was suspected included those of human rights activist Mutabar Tojiboyeva, political opposition figure Sanjar Umarov, and Ikhtiyor Hamroyev, the imprisoned son of human rights activist Bakhtiyor Hamroyev.

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 five year terms and has the power of removal. 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. During the year various local courts held several trials of defendants involved in the May 2005 Andijon events. The Government did not publicly announce the trials or the number or names of defendants, and courts declared most or all of the trials officially closed to outside observers on national security grounds.

Either workers collectives committees or neighborhood committees select 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 all criminal cases which 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, although resources were limited.

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 that were often reportedly extracted through torture or other means of coercion, rather than evidence. 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.

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.

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. Defendants often claimed that the confessions on which the prosecution based its cases were extracted by torture (see section 1.c.). In 2005 the BBC quoted a former interior ministry official who claimed that investigators often used beatings, psychotropic drugs, or threats against family members to obtain confessions from defendants. However, the Interior Ministry strongly denied the allegation. In many cases, particularly those involving suspected HT members, when the prosecution failed to produce confessions, it relied solely on witness testimony, which was reportedly often also coerced. 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.

On January 7, the Tashkent Province Criminal Court convicted human rights activist Saidjahon Zaynabitdinov of extremist activity and other offenses in connection with the May 2005 events in Andijon and sentenced him to seven years in prison. Authorities held Zaynabitdinov in pretrial detention for seven months after his June 2005 arrest until his trial and reportedly denied him access to his attorney of choice. The court barred all outside observers from the trial. The Government denied or failed to respond to several requests from foreign diplomatic missions for access to Zaynabitdinov.

On March 6, Mutabar Tojiboyeva, head of the Ardent Hearts Club, a human rights organization, was convicted of slander and extortion and forced to undergo 10 days of psychiatric treatment in July.

On August 3 and August 11, courts in the Tashkent Province convicted a total of 29 men of HT membership in two separate trials and sentenced them to between one and 13 years in prison (see section 2.c.). Several defendants in one of the trials testified that their confessions had been coerced through severe beatings (see section 1.c.). According to independent trial monitors, most evidence in the trial consisted of defendants' confessions and incriminating testimony from "witnesses" who were likely also coerced. Most defendants in the cases had been previously convicted of the same crimes and had served time in prison. At least five of the defendants were suffering from tuberculosis at the time of the trial and were coughing blood during court proceedings. In the latter of the two trials, the court limited access to only immediate family members and excluded all journalists and other observers.

On September 6, Ruhitdin Fakhrutdinov, a former imam of a Tashkent mosque, was sentenced to 17 years in prison. He was accused of being an extremist and charged with crimes in connection with a 1999 car bombing in Tashkent. He had been kidnapped from a Kazakh border town and delivered to Uzbek authorities. Court guards barred trial monitors from the proceedings.

Investigators reportedly pressured poet-songwriter Dadakhon Khasanov to dismiss his attorney, and the court admitted no observers or other defense attorney into the courtroom during the September proceedings against him. The court gave Khasanov a suspended three year sentence (see section 2.a.).

In October the Jizzakh City Criminal Court barred outside observers from the two-day proceedings against journalist Ulugbek Haydarov (see sections 2.a. and 4). On November 7, an appeals court commuted his sentence and released him from custody in response to an appeal by a foreign government.

Political Prisoners and Detainees.—It was impossible to estimate the exact number of political prisoners or detainees. In 2004 there were an estimated 5,000 to 5,500 political prisoners, including alleged HT members, as well as those who were committed to psychiatric institutions as a form of confinement (see section 1.c.). It was 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. Media reported that approximately 28,000 persons were pardoned under an annual amnesty from December 2005 to March 2, but the Government provided no information on the number of political prisoners amnestied (see section 1.d.). Most persons convicted of political crimes were charged with the crime for which they were arrested, for example anticonstitutional activity, involvement in illegal organizations such as prohibited religious or political groups, or preparation or distribution of material that threatened public security. However, several human rights activists and journalists were convicted on politically motivated charges of other crimes, including extortion and hooliganism. Several human rights activists, journalists, and Andijon residents who had spoken about the May 2005 events were convicted and imprisoned on charges related to the events. The Government did not allow any independent monitoring groups to visit political prisoners or detainees during the year (see section 1.c.).

On January 7, the Tashkent Province Criminal Court convicted human rights activist Saidjahon Zaynabitdinov of extremist activity in connection with the 2005 Andijon events and sentenced him to seven years' imprisonment. On January 12, the same court convicted Ferghana Valley-based human rights and political activists Dilmurod Muhitdinov, Musajon Bobojonov, Nurmuhammad Azizov, Akbarali Oripov, and Hamdam Sulaymonov on charges of conspiracy to overthrow the constitutional order, slander against the President, and preparing and distributing materials constituting a threat to public security. The court sentenced Muhitdinov, also of the NGO Ezgulik, to five years' imprisonment but released Bobojonov, Azizov, Oripov, and Sulaymonov from custody with suspended sentences. Human rights activists and outside observers generally considered these cases and that of Zaynabitdinov to be politically motivated.

On January 15, authorities arrested former ministry of defense official Erkin Musaev and held him in incommunicado detention for two months. On June 13, a closed military court convicted Musaev of espionage and sentenced him to 15 years' imprisonment, based on the allegation that he had passed state secrets to foreign diplomatic missions. Subsequently, on July 14, the Tashkent City Criminal Court convicted Musaev of fraud in connection with his work as a project manager for the UN Development Program (UNDP) in Tashkent. The second conviction rendered Musaev ineligible for inclusion in the annual amnesty and added one more year to his prison sentence. Relatives and outside observers maintained that the charges against Musaev were false and politically motivated. Musaev reported suffering tor-

ture in detention during his interrogation, including severe beatings to his head, chest, and feet (see section 1.c.).

On February 26, former RFE/RL journalist Nosir Zokir, who was arrested and convicted in August 2005 on charges of insulting an NSS officer, completed his six-month prison sentence and was released. Zokir had reported critically on the Government's role in the Andijon events.

On March 1, the Tashkent City Criminal Court convicted Nodira Khidoyatova, co-founder of the political opposition Sunshine Coalition, on charges of tax evasion and illegal commodities trading and sentenced her to 10 years' imprisonment. Khidoyatova was originally arrested in December 2005. International observers, human rights activists, and Khidoyatova's family members maintained that the charges were politically motivated. On May 23, a Tashkent appeals court commuted Khidoyatova's sentence and released her. The appeals judge acknowledged in court that Khidoyatova's payment of substantial "compensation" to the state played a role in her release.

On March 6, the Tashkent City Criminal Court convicted Sunshine Coalition co-founder Sanjar Umarov on economic charges similar to those leveled against Nodira Khidoyatova, and sentenced him to 14° years' imprisonment. Umarov had been arrested in October 2005. The court automatically reduced the sentence to 10 years and 10 months under the December 2005 amnesty resolution. Umarov was also ordered to pay a total of $8.3 million (10.4 billion soum; this fine was levied against Umarov in a combination of dollars and soum) in damages to the state. On April 13, an appeals court reduced Umarov's sentence further to 7 years and 8 months on humanitarian grounds. Umarov's family, attorney, and human rights NGO observers criticized the trial as politically motivated.

On March 6, the Tashkent Province Criminal Court sentenced human rights activist Mutabar Tojiboyeva to nine years' imprisonment on charges including extortion, fraud, tax evasion, forgery, and disseminating materials constituting a threat to public order. Tojiboyeva was arrested in October 2005, and human rights groups asserted the accusations were politically motivated (see section 1.c.).

In April the Jizzakh Criminal Court convicted Dildora Mukhtarova on the charge of being accessory to a murder and sentenced her to 17 years' imprisonment. Mukhtarova was arrested in December 2005 on charges that human rights activists believed were politically motivated.

On June 16, police arrested human rights activist Yodgor Turlibekov, a resident of Karshi, after he distributed leaflets critical of government policies. Police held him in incommunicado detention for several weeks before giving him access to an attorney. Turlibekov was charged with "encroachment upon the President of Uzbekistan," a charge human rights activists claimed was politically motivated (see sections 1.e.). On October 9, the Karshi Criminal Court sentenced Turlibekov to 3 years' imprisonment after a trial in which the court reportedly did not allow Turlibekov his choice of legal counsel. On December 24, authorities released Turlibekov from prison under an annual amnesty resolution (see sections 1.d.).

There were several reports that prison officials accused certain political prisoners of repeatedly violating prison discipline, thereby extending inmates' sentences or making them ineligible for amnesty. In particular such tactics were reported in the cases of human rights activist Mutabar Tojiboyeva, political opposition figure Sanjar Umarov, and Ikhtiyor Hamroyev, the son of human rights activist Bakhtiyor Hamroyev. 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.

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 an 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 decisions in civil court cases were influenced by bribes to judges.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such action; 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 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 (see section 2.c.). On May 25, in the process of arresting human rights activist Shokhida Yuldosheva in Tashkent, police reportedly entered the home of fellow activist Elena Urlayeva without judicial authorization (see section 1.c.). On August 18, a group of 20 local women forcibly entered the Jizzakh home of human rights activist Bakhtiyor Hamroyev and severely beat him (see section 4). Police reportedly appeared on 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 neighborhood committees as a source of information on potential extremists. Committees served varied legitimate social functions, but also functioned as a link between local society, and government and law enforcement. Neighborhood committees' influence varied widely, with committees in rural areas tending to be much more influential than those in cities. Each neighborhood committee assigned a posbon (neighborhood guardian) whose job it was to ensure public order and maintain a proper moral climate in the neighborhood. In practice this meant preventing young persons in the neighborhood from joining extremist Islamic groups. According to a 2003 HRW report, the committees kept extensive files on families and collected information on individual religious practices. During the year there were several reports that neighborhood committees acted on orders of the NSS to monitor individual religious practices and specifically discouraged residents from associating with Protestant Christian churches (see section 2.c.). Neighborhood committees also frequently identified for police those residents who appeared suspicious and, working with local MVD and NSS representatives, reportedly paid particular attention to recently amnestied prisoners and the families of individuals jailed for alleged extremism.

Unlike in previous years, there were no reports of local authorities or neighborhood committees evicting local residents from their homes citing suspected illegal activity; however, there were several reports from members of Protestant churches that neighborhood committees threatened eviction based upon their Christian affiliation (see section 2.c.)

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 (see section 1.d.). There were numerous credible reports that police, employers, and neighborhood committees also harassed and arrested family members of human rights activists (see sections 1.d. and 2.b.). There were numerous reports that officials harassed relatives of residents who fled to Kyrgyzstan after the Andijon unrest in May 2005 to coerce them to persuade their family members to return to the country.

Although there were no new cases this year, in 2005 independent press reports, a national human rights NGO, and at least one healthcare worker reported that hospitals, primarily in the Ferghana Valley, performed involuntary hysterectomies on women shortly after they had given birth. While authorities claimed that hysterectomies were only performed in cases of medical need, NGO and other sources reported several cases of medically unnecessary procedures. In other cases it was reported that doctors implanted contraceptive devices in women who had recently given birth, without their prior knowledge or consent.

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 five years in prison. Citizens did not criticize the President or the Government on television or in the press, although they continued to do so occasionally in private. The law also specifically prohibits articles that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see section 2.b.). On September 8, a Tashkent court convicted poet songwriter Dadakhon Khasanov of creating and distributing materials constituting a threat to public order based on a song Khasanov wrote criticizing gov-

ernment actions during the May 2005 Andijon events. The court gave Khasanov a suspended three year sentence.

The Government continued to characterize the distribution of pamphlets by HT members as incitement for political and terrorist purposes; HT is a banned organization. During the year police reportedly arrested several people for possessing HT literature.

The Government tightly controlled information. The Uzbekistan News Agency 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, government controlled political parties or social movements, and the Tashkent municipal government owned or controlled several other daily and weekly publications. The Government also increasingly 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. A few Web sites, most notably Press-uz.info, Gazeta.uz, and C-Asia.org, purport to be independent, yet invariably their reporting reflects the Government's point of view.

There were a few private printing houses, located mostly in provincial cities and printing local newspapers with limited circulation. Government owned printing houses generally printed all newspapers. Private citizens and journalist collectives may not establish newspapers unless they meet the media law's standards for establishing a "mass media agency," including naming a board of directors acceptable to the Government. The Government allowed a small number of private newspapers containing advertising, horoscopes, and similar features, but no substantive 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 which was 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.

In June authorities temporarily suspended printing of the Russian newspaper Trud after it published an article about the financial activities of the children of senior government officials, including President Karimov's daughter. The printing house that printed the paper attributed the interruption to technical difficulties.

The four state run channels, all fully supporting the Government, dominated television broadcasting nationwide. There were 24 privately owned regional television stations and 14 privately owned radio stations. The Government tightly controlled both 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.

In November 2005 the President signed a decree providing for further consolidation of the management of broadcast mass media under government control, with the stated goal of promoting patriotism. The Government implemented the decree during the year. As one result of the consolidation, the Government transferred control over several state-owned radio stations to the directors of the powerful state television stations, who exercised control over the radio stations through the National Television and Radio Company.

The Government continued to refuse to allow RFE/RL, the Voice of America (VOA), and BBC World Service to broadcast from within the country.

The May 2005 events in Andijon sparked a wave of government harassment against journalists, which continued during the year. Both print and broadcast journalists were subject to arrest, harassment, intimidation, and violence by police and security services, as well as bureaucratic restrictions on their activity.

In late March authorities refused an exit visa to journalist Alisher Taksanov, who was seeking to travel to attend a conference abroad (see section 2.d.). Taksanov, an antilandmine activist, had written articles critical of the Government, particularly on the subject of landmines.

On April 3, journalist Sobirjon Yakubov, who formerly worked for the newspaper Hurriyat, was released from prison and reinstated at Hurriyat after one year in detention during which he was never formally charged with a crime. In April 2005

authorities arrested Yakubov and accused him of links with banned Islamic groups and attempting to undermine the constitutional order. Yakubov had written articles advocating democratic reforms.

On July 12, police reportedly entered the Namangan home of former RFE/RL journalist Nosir Zokir and seized many of his possessions. Zokir, who was arrested and convicted in August 2005 on charges of insulting an NSS officer, completed his six month prison sentence and was released in February (see section 1.d.). Prior to his conviction, Zokir had conducted an interview with a poet who was critical of the Government. The officers conducting the July raid reportedly claimed they were seizing the property in lieu of a fine against Zokir's son, who had been accused of illegally crossing the border into Kyrgyzstan.

On September 12, authorities arrested journalist Jamshid Karimov, President Karimov's nephew, in Jizzakh and committed him to a psychiatric institution near Samarkand. No criminal charges were announced against Karimov. Human rights activists claimed the arrest was politically motivated (see sections 1.c. and 1.e.). On September 13 an unknown assailant stabbed and seriously injured Saidburkhon Kadyrov, editor in chief of the newspaper Bukhara Yoshlari (Bukhara Youth) and a member of the unregistered opposition political party Birlik. On October 5, after a two day trial, the Jizzakh City Criminal Court convicted journalist Ulugbek Haydarov of extortion and sentenced him to six years' imprisonment (see section 1.d.). Haydarov had reported extensively on official corruption in Jizzakh Province. Human rights activists claimed the charges were politically motivated and based upon police entrapment. On November 7, an appeals court commuted his sentence and released him (see section 1.d.).

There were several reports that journalists were fired from state run media outlets in retaliation for their contacts with foreign diplomats. State controlled media organizations fired some journalists for attending discussions or participating in other programs sponsored by foreign embassies. Others were placed on leave without pay or had their air time reduced.

There were also reports that authorities revoked journalists' accreditations in retaliation for their reporting. On March 15, authorities revoked the accreditation of Deutsche Welle journalist Obid Shabanov because of his critical reporting on the issue of labor migrants.

A government agency, the Interagency Coordination Committee (MKK), 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. During the year MKK threatened to shut down some privately owned regional television stations on technical grounds to enforce control by the National Association of Electronic Mass Media (NAESMI), which lacks direct licensing authority.

The 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. Stations that resisted joining NAESMI were subjected to tax inspections and, in some cases, lost their broadcast licenses. In many cases NAESMI required affiliated local stations to broadcast prescribed programming instead of locally produced content, thus limiting the freedom of broadcasters.

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. During the year the legal affairs newspaper Advokat Press remained closed pending receipt of a new license. In December 2005 the Uzbekistan Press and Information Agency had ordered the newspaper to close after it published a series of articles criticizing government officials for violations of the law.

The law holds journalists, as well as editors and publishers, responsible for the accuracy of news stories that appear in their publications, exposing them to risk of criminal prosecution for their reporting. 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, therefore, carried critical reporting only occasionally.

In December 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. On March 7, the Cabinet of Ministers issued a resolution that prohibits journalists from working without accreditation, as well as working for unaccredited media outlets.

Internet Freedom.—The Government allowed limited access to the Internet, although Internet service providers, at the Government's request, routinely blocked access to Web sites the Government considered objectionable, including several news Web sites and sites operated by opposition political parties.

On October 19, the Cabinet of Ministers passed a decree requiring that all Web sites seeking a ".uz" domain name register with the state Agency for Press and Information. The decree generally affected only government-owned or 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 May 12, the Government denied an exit visa to Alo Khojayev, editor in chief of the news Web site Tribune.uz, effectively barring him from traveling outside the country (see section 2.d.). In a refusal letter, visa authorities stated only that his travel abroad was "not appropriate." Khojayev had drawn official disapproval for his critical attitude and critical articles toward the Government.

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. An August 2005 decree of the Ministry of Higher Education effectively prohibited any cooperation between higher educational institutions and foreign organizations without explicit prior approval by the Government. During the year the Government broke up a conference of teachers and pressured teachers and students not to participate in conferences sponsored by diplomatic missions or academic exchange programs. There were many reported threats by school officials to expel students who participated in international exchange programs. One student expelled from university claimed that the expulsion was in retaliation for his participation in an international exchange program. Others who participated in university-level exchange programs reported losing their jobs at Uzbek universities upon their return to their country. There were several 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 and 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 December 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 May 12, unidentified men approached a group of approximately 10 human rights activists who were holding protest placards at a memorial in Tashkent on the anniversary of the May 2005 violence in Andijon, seized the placards, and ran away. On May 13, when the group gathered again at the same memorial to carry out a similar demonstration, unidentified men again seized their placards. The activists then moved to a foreign embassy, where a local deputy chief of police personally attempted to disrupt the demonstration. Unidentified men later apprehended the demonstrators as they rode in a taxi and detained them on a roadside. Also on May 13, students at two Tashkent universities reported that university officials ordered them to appear at the schools to fill out questionnaires or face expulsion. The students believed the action was intended to prevent possible protests on the Andijon anniversary.

In several other cases, however, human rights activists reported that local residents, including in Andijon, protested economic conditions, apparently without prior permission of the authorities, but did not face police pressure.

In May 2005 the Government used deadly force to suppress a large demonstration in the city of Andijon. Demonstrations were sparked by the trial of 23 businessmen accused of Islamic extremism. Armed individuals stormed the city prison and freed inmates, occupied government buildings, and took hostages. Several thousand Andijon citizens assembled in a city square the following day to peacefully protest

frustration with government abuse of power and social grievances. Eyewitnesses reported that government forces approached the square and fired into the crowd without warning. The Government claimed that armed rebels fired first on security forces, that security forces fired only on armed rebels, and that 187 persons were killed, while eyewitnesses and human rights groups estimated several hundred were killed. The Government continued to refuse international calls for an independent investigation of the events; however, officials discussed their investigation techniques and results with diplomats and other international representatives.

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 formally registered with the Government. The law allows for a six month grace period for new organizations to operate while awaiting registration, during which time they are officially classified as "initiative groups." Registration of NGOs and other public associations was difficult and time consuming, with many opportunities for government obstruction. Nonpolitical associations and social organizations usually were allowed to register, although complicated rules and a cumbersome government bureaucracy made the process difficult. Most local NGOs also were compelled to register with a government controlled NGO association, whose purpose was to control all funding and NGO activities.

December 2005 amendments to the administrative liability code 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 February 2004 banking decree, although ostensibly designed to combat money laundering, was selectively enforced to prevent both registered and unregistered NGOs involved in human rights or political work from receiving outside funding.

The law allows independent political parties, but 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. All five registered political parties were controlled by the Government; no opposition parties were registered at year's end (see section 3).

The law criminalizes membership in organizations the Government deems extremist. Under the law the extremist Islamist political organization HT was banned. HT promoted hate and praised acts of terrorism, although it 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 called the caliphate.

The Government has pressured and prosecuted members of the Islamic group Akromiya (Akromiylar) since 1997. Religious experts claimed that Akromiya is an informal association that promotes business along Islamic religious principles, while the Government claimed that the group is a branch of HT and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the Government through armed rebellion in May 2005 in Andijon (see section 2.c.).

In June the MOJ ordered two prominent human rights NGOs to close (see section 4). In 2005 nearly 200 NGOs were closed due to pressure by the Government.

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.

During the year the Government also forced many international NGOs to close, citing alleged violations of the law. The closures were part of government efforts to minimize the presence of Western organizations, based on the stated belief that their programs aimed to forcibly introduce democracy and subvert the existing regime. The Government required all international NGOs to register with the MOJ. During the year the ministry continued conducting a series of exhaustive audits of international NGOs, which also suffered visa, accreditation, and automobile registration problems. During the audits, MOJ officials repeatedly referred to an unpublished 2003 decree that outlined new registration requirements for international NGOs. The Government used the decree as a basis for requiring prior government approval for a broad range of program activities and detailed reports on activities, program participants, and finances. NGOs' activities were also restricted by a 2004 banking decree that requires a government commission to review all foreign funding before disbursement to local NGOs. Although the measure was ostensibly to fight

money laundering, the commission used political criteria to determine which programs received funds.

On January 11, the Tashkent City Civil Court ordered the human rights NGO Freedom House to suspend its operations for six months based on the charge that the organization had provided Internet access without a license. On February 7, an appeals court rejected the organization's appeal of the suspension order. Following an unsuccessful appeal of the suspension and a criminal investigation of the organization's staff, the civil court ordered Freedom House to close on March 6. In 2005 the Government had subjected Freedom House and its employees to frequent harassment in 2005. Official television stations publicly accused Freedom House of supporting suspected terrorists in documentaries on the May 2005 violence in Andijon.

On March 6, the Tashkent office of the Eurasia Foundation voluntarily suspended its activities after the MOJ filed a request for its suspension with the Tashkent Civil Court. The request alleged that the foundation had made grants to local NGOs and conducted seminars without prior government permission, among other technical violations.

On April 19, the country director of the International Research and Exchanges Board (IREX) departed the country, and the representative office subsequently liquidated its operations, following its unsuccessful appeal of a December 2005 court order to close and a criminal investigation of several of its local staff members. The Government based IREX's expulsion primarily on the charge that the organization had provided Internet access without a license.

On April 27, the Tashkent Civil Court ordered the Tashkent office of the American Bar Association's Central European and Eurasian Law Initiative (ABA/CEELI) to close. According to the Government controlled press, the decision was based on activities that ran counter to ABA/CEELI's charter, including supporting and providing legal assistance to local NGOs. On May 23, the court denied ABA/CEELI's appeal of the ruling.

On May 4, the court ordered the closure of the NGO Counterpart International, ruling that the organization had violated its charter.

On June 1, the court ordered the closure of the American Councils for International Education (ACTR/ACCELS), a student exchange organization. Government controlled press agencies attributed the closure to the allegation that ACCELS had sent over 100 high school students abroad without informing authorities. The city prosecutor subsequently initiated a criminal investigation of its staff, but closed it without any findings because the organization's former office director died.

On June 15, the court ordered the closure of the Tashkent office of Central Asian Free Exchange (CAFE), a faith based NGO engaged in small scale development and community education projects. Authorities accused the organization's employees of proselytizing illegally, providing Internet service without a license, and violating other regulations.

In late June the court ordered the NGO Global Involvement Through Education to close, accusing it of activities that violated the organization's charter.

Local experts estimated that by year's end government pressure had forced between two-thirds and three-fourths of local NGOs to cease operations.

On July 12, the Tashkent Civil Court ordered the closure of the NGO Urban Institute, which had worked to help develop resident managed condominium associations. The court accused the organization of "discussing the socioeconomic, social, and political situation in the country" without government authorization during its training seminars.

On July 21, the court ordered the closure of Winrock International, an NGO that had assisted farmers with irrigation issues. The court based the liquidation order on printed and recorded materials on women's legal rights, which, according to the court, contained "unapproved religious content." The materials in question had been released under a 2003 program, since discontinued. On August 18, the court upheld the closure order on appeal. The criminal investigation was ongoing at year's end.

On August 23, the Tashkent Civil Court ordered the closure of the NGO Crosslink Development International, ruling the organization did not report on its programs, carried out unlicensed educational activities, and granted loans without banking institution involvement, according to a quoted court official. Press articles quoted government officials accusing Crosslink employees of illegally providing financial support to the Pentecostal Church (see section 2.c.).

In late August the MOJ refused to accredit 24 expatriate staff working for the NGO Partnerships in Academics and Development (PAD) and informed PAD that its microfinance program was illegal, as the Government decree under which it had been working had expired. The Government subsequently ordered PAD's closure, accusing it of illegal missionary activity.

On October 2, the state tax authority sued Mercy Corps, alleging it had concealed over $497,000 (621 million soum) in income to avoid taxes. The Tashkent Economic Court in the first instance and a later appeals court both rejected the tax authority's claim. However, the Government controlled press accused Mercy Corps of espionage and subversive activity in connection with a civil society development program coordinated by the NGO in the Ferghana Valley. In December the Government froze the organization's local bank account and declared it liable for approximately $566,000 (708 million soum) in taxes.

On November 6, the MOJ notified the economic policy research organization Bearing Point, LLC, that it had requested the organization's liquidation. The Government alleged that Bearing Point had violated the law by training journalists in economic analysis and giving economic advice to the Government, among other offenses. On November 8, Bearing Point declared its intention to liquidate voluntarily, whereupon the Tashkent Civil Court suspended action against the organization.

On November 8, the Tashkent Civil Court dismissed a suit filed by the MOJ requesting the closure of the NGO Joint Development Associates (JDA), when the organization declared its intention to voluntarily liquidate. The Government had accused the organization of illegal missionary activity. In December the Government froze JDA's local bank account and declared it liable for over $67,000 ($86 million soum) in penalties for alleged violations of the tax code.

On November 30, the Tashkent Civil Court ordered the NGO Cooperative Housing Foundation International to liquidate, based on allegations of tax evasion, failing to provide the Government with sufficient information about its activities, and maintaining unregistered branch offices outside of Tashkent. An appeals court subsequently upheld the ruling.

In December the Government froze the local bank accounts of the NGOs Agricultural Cooperative Development International/Volunteers in Overseas Cooperative Assistance (ACDI/VOCA) and the Foundation for International Community Assistance (FINCA), in addition to those of JDA and Mercy Corps, and declared the organizations liable for large penalties for alleged violations of the tax code.

During the year the Government forced the closure of a Hungarian NGO, the Ecumenical Charity Service, as well as the Participation, Education, and Knowledge Strengthening (PEAKS) Program, an education development program managed by the Academy for Educational Development. The Government also ordered the closure of two Korean organizations and one Swiss NGO based on charges of illegal missionary activity, and authorities detained two employees of the Swiss NGO on allegations of illegal activity. The Government also warned a British and Dutch NGO about alleged illegal activities and opened an investigation of the Calcutta based Missionaries of Charity. 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 were generally successful in conducting 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. The Government sought to promote what it considered a moderate version of Islam through the control and financing of the Muslim Board of Uzbekistan (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and published Islamic materials. The Committee for Religious Affairs (CRA), under the Cabinet of Ministers, oversees registered religious activity and must approve all religious literature. A small number of unofficial, independent mosques were allowed to operate under the watch of official imams.

The law requires all religious groups and congregations to register and provides strict and burdensome registration criteria, including a requirement that each group present a list of at least 100 national citizen members to the local branches of the MOJ. This and numerous other provisions, such as a requirement that a congregation already have a valid legal address, enabled the Government to find technical grounds for denying a group's registration petition, such as grammatical errors in a group's charter. This 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 (see section 1.f.). Members of some Christian evangelical congregations were detained during the year and occasionally beaten by authorities. Members of the registered Pentecostal church in Tashkent reported that police raided a worship service in April. On November 30 and December 1, video tape of that raid appeared in a documentary film on government television which warned viewers against associating with evangelical Christians. On April 12, police raided several Jehovah's Witnesses worship services across the country on that church's annual holy day. The Greater Grace Church in Samarkand also reported continuing harassment from authorities. Religious groups are prohibited from forming political parties and social movements.

During the year the number of registered religious congregations increased from 25 to 2,226 registered religious groups, of which 2,046 were Muslim. Local authorities continued to block the registration or reregistration of evangelical Christian congregations in Tashkent, Samarkand, Guliston, Chirchiq, Gazalkent, Andijon, and Nukus. The International Church of Tashkent, a Protestant nondenominational church ministering exclusively to the international community, has been unable to obtain registration for several years, due in part to its inability to meet the legally required minimum of citizen 100. Jehovah's Witnesses in Tashkent were unable to obtain registration. On August 25, the Government canceled the registration of the Jehovah's Witnesses congregation in Ferghana Province, accusing members of "aggressive missionary work." Out of the 11 Jehovah's Witnesses' churches in the country, only the one in Chirchiq was registered at year's end. Police routinely questioned, searched, and arbitrarily fined individual members of Jehovah's Witnesses throughout the country. On April 12, as in previous years, police and security personnel disrupted Jehovah's Witnesses meetings in Tashkent and several other cities and arrested approximately 100 church members. Most were released soon afterwards, but some were subjected to longer administrative detention, some were reportedly beaten by police, and several were required to pay small fines.

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, and were typically sentenced to between 7 and 12 years in jail (see sections 1.c. and 1.d.). Prison authorities reportedly did not allow many prisoners suspected 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 against prison rules, or who protested the rules themselves, with solitary confinement and beatings.

In past years the Government's campaign against extremists resulted in official suspicion of more religiously observant (yet nonextremist) persons, including frequent mosque attendees, bearded men, and veiled women. In practice this approach often resulted in the Government singling out observant Muslims for surveillance or harassment based on outward expressions of their religious belief. During the year there were no reports of arrests or harassment of Muslim believers on this basis. While a large and increasing number of young men attended Friday prayers in general, hardly any were bearded. 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. On August 9, the government-controlled newspaper Turkiston published an editorial warning against wearing white skullcaps, which the author associated with Islamic extremism. In November, according to the Forum 18 News Service, Andijon Province authorities ordered that mosques cease the traditional call to prayer, that teenage boys be barred from mosque attendance, and that Muslim clerics be prohibited from participating in wedding services.

The Government did not consider repression of groups such as HT to be a matter of religious freedom but directed against those who allegedly advocated overthrowing the Government. Unlike in prior years, there were no reported arrests or prosecutions of members of Tabligh Jamoat, an Islamic group with origins in South Asia.

There were no developments regarding the February 2005 case of two Sufi Muslims who claimed authorities tortured them while in detention (see section 2.c.).

On April 19, the Tashkent Province Criminal Court convicted eight men from the town of Yangiyul of unregistered religious activity and sentenced seven of them to

three years of compulsory labor and one man to two years in prison. Prosecutors initially charged the men with membership in a banned extremist organization, which would have carried a maximum penalty of 15 years' imprisonment; however, for unspecified reasons, prosecutors reduced the charges during the trial. Observers reported that the evidence presented in court rested entirely upon testimony of a convicted thief, and that other court testimony did not implicate the defendants in any illegal activity (see section 1.c.).

During the year several persons were prosecuted and convicted of religious extremism and membership in an unregistered religious group for their affiliation with Akromiya. Religious experts claimed that Akromiya is a religious association that promotes business, not extremism.

Many trials were related to the May 2005 Andijon events (see section 1.a.). In public statements the Government referred to all on trial, in prison, and those killed on May 13, 2005, as religious extremists. During the year 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 187 convicted in 2005. During the year many of those convicted in 2005 appealed their convictions, resulting in reductions of sentences in several cases. All Andijon related trials during the year were closed to outside observers, and details of the cases, including names of defendants and lengths of sentences, were not available.

During the year the Government tried and convicted eight Muslims who were deported from Kazakhstan in November 2005 (see section 1.d.). Authorities committed one of the nine total returnees, Shoirmat Shorakhmetov, to an institution for the criminally insane and did not place him on trial. Most were followers of Imam Abidkhan Nazarov, an influential Tashkent cleric who was dismissed from his position in 1995, fled to Kazakhstan, and was resettled to a third country as a refugee in March. Nazarov's followers were principal targets of the Government's efforts against extremism. On April 12, the Tashkent City Criminal Court convicted two of the returnees, Sharafutdin Latipov and Nozim Rakhmonov, of membership in a religious extremist organization and sentenced them to six years' imprisonment. On September 15, the Tashkent Province Criminal Court convicted the most prominent defendant, Imam Ruhitdin Fakhrutdinov, on charges of religious extremism and terrorism in connection with the 2004 terrorist bombings in Tashkent and Bukhara, and sentenced him to 17 years' imprisonment. Other defendants in the group of returnees received sentences averaging approximately six years' imprisonment. While the trials were not officially closed to outside observers, court guards barred trial monitors from the proceedings.

On August 3 and August 11, courts in the Tashkent Province convicted a total of 29 men of HT membership in two separate trials and sentenced them to prison terms between one and 13 years. Several defendants in one of the trials testified that their confessions had been coerced through severe beatings (see section 1.c.).

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 import and dissemination of religious literature. Uzbek society is generally tolerant of religious diversity but not of proselytizing. Government officials have specifically cited the Jehovah's Witnesses and Pentecostals as extremists and "militant missionaries" and have targeted them for harassment. The Government accused employees of four Western based NGOs—CAFE, Crosslink Development International, Global Involvement Through Education, and Partnership in Academics and Development—of illegal religious activity, including proselytizing, in its decision to close them (see section 2.b.). While these organizations are faith-based, all denied conducting any religious activity in the course of their work.

On April 12, approximately 100 members of Jehovah's Witnesses were detained in several coordinated raids in Tashkent, Karshi, and five other cities during worship services on their annual holy day. Similar raids took place during the same services in March 2005. Jehovah's Witnesses reported several instances of police brutality in the course of the raids. According to reports from Jehovah's Witnesses, most of those detained were released within a day, several with administrative fines. On April 26, authorities detained and deported a Russian citizen attorney upon his arrival at the Tashkent airport as he was traveling to Karshi to defend members of the group who were on trial.

In two reported instances authorities deported to Russia members of the Vifaniya (Bethany) Baptist Church without stating a cause. Both deportees had been residents of Tashkent for several years; one was a Russian citizen and the other was stateless (see section 2.d.).

State media propagated a policy of opposition to evangelical Christianity and missionary activity. On November 30 and December 1, government television broadcast a two-part documentary entitled Hypocrisy which profiled evangelical Christian groups, including the Pentecostal Church and Jehovah's Witnesses. The program labeled such groups as "dangerous" and alleged that foreign NGOs carried out illegal missionary activity in the country in the guise of charity with the aim of turning converts into "spiritually poor zombies" and fomenting religious conflict.

The law limits religious instruction to officially sanctioned religious schools and state approved instructors and permits no private instruction or the teaching of religion to minors without parental consent. There were no reports of active efforts to prevent parents teaching religion to their children. On June 26, according to the newspaper Novyy Vek, authorities closed a religious school for children in Tashkent Province and charged two teachers with involvement in a religious extremist organization.

A state religious censor approved all religious literature. The Government controlled the publication, import, and distribution of religious literature, discouraging and occasionally blocking the production or import of Christian literature in the Uzbek language, although Bibles in other languages were available. The Government required a statement in every domestic publication indicating the source of its publication authority, for example the phrase "permission for this book was granted by the CRA," or "this book is recommended by the CRA." Possession of literature deemed extremist could lead to arrest and prosecution. Religious literature imported illegally was subject to confiscation and destruction.

On June 22, President Karimov signed into law a series of amendments concerning religious literature. An amendment to the administrative code punishes "illegal production, storage, import or distribution of materials of religious content" with a fine of 20 to 100 times the minimum monthly wage for individuals, or 50 to 100 times the minimum monthly wage for officials of organizations, together with confiscation of the materials and the means of publication and distribution. A new article of the criminal code addresses the same offense, punishing those already convicted under the corresponding article of the administrative code with a fine of 100 to 200 times the minimum monthly wage or "corrective labor" of up to three years. Other changes introduced simultaneously to the criminal and administrative codes punish the production and distribution of "literature promoting racial and religious hatred."

The Government had not implemented any of the recommendations of a 2003 Organizations for Security and Cooperation in Europe (OSCE) expert panel that concluded the Religion Law and associated statutes were in violation of international norms. The OSCE specifically cited bans on proselytizing, private religious instruction, and the criminal status of activities by unregistered religious organizations.

The Government provided logistical support for 5,000 selected Muslim citizens to participate in the hajj. The Government required all pilgrims to travel as part of an officially organized group at a set price of approximately $2,400 (3 million soum). According to the Forum 18 News Service, the number of pilgrims allowed was only a fraction of the possible number allowable under Saudi Arabia's quota system, and less than the number of citizens who wished to participate. According to reports applications for hajj participation were subject to approval by neighborhood committees and other government bodies. However, there were no published criteria for participation.

Societal Abuses and Discrimination.—There were persistent reports of discrimination against and harassment of ethnic Uzbek Muslims who converted to Christianity. Bakhtitor Tuychiyev, the ethnic Uzbek pastor of the Full Gospel Pentecostal Church in Andijon, reported frequent harassment by authorities, including threats of eviction from his home.

There were no reports of anti-Semitic acts or pattern of discrimination against Jews. There were eight registered Jewish congregations and the World Jewish Congress estimated the Jewish population at approximately 20,000, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers were declining due to emigration, largely for economic reasons. Unlike previous years there were no reports of HT members distributing anti Semitic fliers. Although the religious press carried initial stories speculating on anti Semitic motives for the February 25 death from head injuries of a Tashkent Jewish community leader, Avraam Yagudayev, and the June 8 murders of a secretary to prominent a Tashkent based Rabbi, Karina Loifer, and her mother, preliminary investigations did not indicate that anti Semitism motivated these deaths.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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 routinely, 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 several instances during the year, the Government denied exit visas to journalists and human rights activists. In late March authorities denied an exit visa to journalist Alisher Taksanov, and on May 12, the Government denied an exit visa to Alo Khojayev, editor in chief of the news Web site Tribune.uz (see section 2.a.). Authorities justified the actions by saying only that the journalists' travel abroad was inappropriate. In August independent journalist Jamshid Karimov applied for an exit visa; authorities seized his passport, and on September 12, they arrested him and committed him to a psychiatric institution (see sections 1.c. and 2.a.).

Foreigners with valid visas generally could move within the country without restriction; however, visitors required special permission to travel to Surkhandarya Province bordering Afghanistan.

Authorities in some cases delayed or prevented entry of foreign diplomats, as well as other foreign nationals, on political grounds. Those affected included a Russian citizen attorney who was deported upon arrival at the Tashkent airport in April as he traveled to defend Jehovah's Witnesses in court cases (see section 2.c.).

The law does not explicitly prohibit forced exile, but the Government did not generally employ it. However, in August authorities deported to Russia two members of the Vifaniya (Bethany) Baptist Church without stating a cause. Both deportees had been residents of Tashkent for several years; one was a Russian citizen and the other was stateless (see section 2.c.). 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 had difficulty departing.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN 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 did not force persons given refugee status by the UNHCR to leave the country, according to a 1999 agreement. Unlike in previous years, in practice the Government did not cooperate with the UNHCR in allowing it to provide assistance to refugees and asylum seekers.

On March 17, the Government ordered UNHCR to close its Tashkent office within one month, stating the agency had fulfilled its mission. Earlier the Government had criticized the agency for its assistance to Uzbek refugees who had fled into Kyrgyzstan following the May 2005 Andijon unrest. Upon UNHCR's closure in April, the UNDP assumed some of UNHCR's humanitarian functions and continued to assist with monitoring and resettlement of the approximately 1,800 refugees who remained in the country at year's end.

The Government considered the Afghan and Tajik refugee populations economic migrants and subjected them to harassment and bribe demands 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 Tajikistan passports. Although the Government generally tolerated the presence of Afghan refugees, they faced protection problems. There were isolated reports of harassment and detention of UNHCR-mandated Afghan refugees by local police; however, the extent of the problem was not known. The UNHCR reported that Afghan refugees had no access to the legal labor force and, therefore, had limited means to earn a livelihood.

The Government pressured several other countries to forcibly return citizens who were under UNHCR protection in those countries. On February 14, Ukrainian authorities returned to government custody 10 asylum seekers whom it accused of involvement in the Andijon events. In July, 12 refugees, who had fled the country after the Andijon events, returned to their homes from a third country, where they had been resettled. There were reports that government authorities had pressured relatives of these refugees to urge them to return home. On August 9, Kyrgyz authorities returned to government custody four UNHCR mandate refugees—Jahongir Maksudov, Rasul Pirmatov, Odiljon Rahimov, and Yakub Tashbaev—who had fled after the Andijon events, as well as one asylum seeker, Fayezjon Tajihalilov. On October 24, Russian authorities returned asylum-seeker Rustam Muminov to government custody after he had applied to the UNHCR for refugee status. Government authorities accused Muminov of involvement in the Andijon events. Previously, in November 2005, Kazakh authorities returned nine asylum seekers to the country, some of whom had registered with the UNHCR (see sections 1.c., 1.d., and 2.c.). The group included former Tashkent Imam Ruhitdin Fakhrutdinov. With only two reported exceptions, the returnees were held in incommunicado detention, and the Government did not allow relatives or other outsiders to monitor their condition.

In 2005 HRW, AI, and other sources reported that authorities pressured relatives of citizens who had fled the country following the events in Andijon and coerced them to travel to refugee camps in Kyrgyzstan to ask them to return. Uzbek security forces were also seen outside camps in Krygystan, and, in some cases, plainclothes officers infiltrated the refugee population and reportedly attempted to remove persons from a refugee camp by force.

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 (see sections 1.c., 1.d., and 2.a.). The Government was highly centralized and was 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.—President Karimov was reelected in 2000 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 five to seven years. In 2004 parliamentary elections were held for representatives to the lower chamber; an OSCE limited observer mission concluded the election fell significantly short of international standards for democratic elections. In January 2005 a new upper chamber, or senate, of the parliament was formed; 84 of the 100 members of the chamber were selected by regional legislatures, and President Karimov personally appointed the remaining 16. Five registered progovernment political parties held the majority of seats in the directly elected lower house of parliament; the remainder consisted of nominally independent politicians tied to these progovernment parties. These parties, created with government assistance and loyal to President Karimov, were the only ones permitted to participate in the 2004 parliamentary elections. Many government officials were members of the People's Democratic Party of Uzbekistan, the country's largest party. The party did not appear to play a significant role in government decision making, which President Karimov and other government leaders dominated.

The law makes it extremely difficult for opposition parties to organize, nominate candidates, and campaign. Twenty thousand signatures are required on any application to register a new party. The procedures to register a candidate are burdensome, and the Central Election Commission (CEC) may deny registration. A Presidential candidate must present a list of 700,000 signatures in order to register and is prohibited from campaigning without registration. The CEC may deny registration of Presidential candidates if they would "harm the health and morality of the people." Parties and candidates that are denied registration have no right of appeal. The law allows the MOJ to suspend parties for up to six months without a court order. The

Government also exercised control over established parties by controlling their financing. In March 2005 the Cabinet of Ministers issued a decree giving the MOJ control over state funds to parties. Under the decree the MOJ may adjust funding on a monthly basis according to the size of a party's parliamentary caucus and the ministry's judgment as to 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 parliamentary or Presidential 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 a list of 150,000 signatures is required. Except for registered political parties or initiative groups, organizations were prohibited 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; or those that promote war, or social, national, or religious hostility, or those that seek to overthrow the Government.

The Government frequently harassed members of unregistered political organizations (see section 2.b.). In November the Birlik opposition political party applied with the MOJ for registration for the sixth time. Authorities most recently denied registration to the party in April 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.

There were 21 women in the 120 member lower chamber of the parliament, and 15 in the 100 member senate. There was one woman in the 28 member cabinet.

There were 9 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. However, it was also reported that local administrative or police officials were removed from office in isolated cases in response to charges of corruption.

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, which concluded 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 Attitude 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; however, 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. Registration of human rights organizations was denied for a variety of reasons, including for grammatical errors in applications. Although these organizations did not exist as legal entities, they continued to function, albeit with difficulty. Unregistered groups 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.

In June the MOJ ordered two prominent Bukhara-based human rights NGOs, Humanitarian Legal Center of Bukhara and Bukhara Medical Association, to close. Both organizations had received foreign assistance. Following the May 2005 events in Andijon, hundreds of NGOs, including many human rights groups, were forced to close (see section 2.b.).

Government officials occasionally met with domestic human rights defenders, and individual rights defenders noted that they were able to successfully resolve some cases of abuse through direct engagement with authorities. A foreign NGO continued a 2004 initiative 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 increase harassment of 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 (see section 1.c.). Authorities regularly detained or arrested human rights activists and subjected them to house arrest, as in the case of Elena Urlayeva (see section 1.d.). In some cases authorities committed activists to involuntary psychiatric treatment (see section 1.c.), or filed false criminal charges against them (see section 1.d.). Additionally, government officials publicly accused specific activists of conspiring with international journalists to discredit the Government.

On January 12, the Tashkent Province Criminal Court convicted Dilmurod Muhitdinov of the NGO Ezgulik of anticonstitutional activity in connection with the 2005 Andijon events and sentenced him to five years' imprisonment (see section 1.e.). On January 7, the same court convicted Saidjahon Zaynabitdinov of the Andijon based human rights NGO Apellyatsiya of extremist activity in connection with the Andijon events and sentenced him to seven years' imprisonment (see sections 1.d. and 1.e.).

In March police reportedly arrested human rights activist Shokhida Yuldosheva and subjected her to forced psychiatric treatment on two occasions (see section 1.c.). On March 6, the Tashkent Province Criminal Court sentenced Mutabar Tojiboyeva of the human rights NGO Ardent Hearts Club to nine years' imprisonment. Tojiboyeva was also later subjected to forced psychiatric treatment (see sections 1.c., 1.d, and 1.e.).

On April 20, authorities arrested Azam Farmonov and Alisher Karamatov of the HRSU and charged them with extortion. On June 15, a criminal court in Guliston convicted them and sentenced them to nine year's imprisonment.

On June 16, Yodgor Turlibekov, a human rights activist, was arrested and charged with "encroachment upon the President" (see sections 1.d. and 1.e.). Activists claimed the charge was politically motivated. On June 30, a Jizzakh court convicted activist Utkir Pardayev of the Independent Human Rights Organization of Uzbekistan on charges of hooliganism and sentenced him to four years imprisonment in a labor camp.

On July 19, a Jizzakh court convicted HRSU activist Mamarajab Nazarov of extortion and sentenced him to three and one half years' imprisonment. On several occasions government agents employed similar tactics against domestic journalists who reported on human rights issues (see section 2.a.).

On August 18, a group of 20 local women forcibly entered the Jizzakh home of human rights activist Bakhtiyor Hamroyev and severely beat him in the presence of a foreign diplomat. Hamroyev called police, who reportedly appeared on the scene and observed, but failed to render assistance. Human rights activists claimed that the attack was carried out in collaboration with police. During the attack, the assailants accused Hamroyev of being a traitor to his country.

The Government also severely restricted activities of international human rights NGOs and subjected their employees to frequent harassment and intimidation. During the year the Government forced the closure of most international NGOs dealing with human rights issues, including Freedom House and ABA/CEELI (see section 2.b.). In particular official media accused Freedom House of supporting terrorist organizations that plotted to overthrow the Government during the May 2005 Andijon events. Government officials and the Government controlled press frequently accused international NGOs of participating in an international "information war" against the country. During the year government prosecutors launched criminal investigations of international NGOs and their local partners, such as public defender centers and private law firms that defended human rights and political opposition activists, which the Government had charged with antistate activity.

On April 26, authorities detained and deported a Russian citizen attorney upon his arrival at the Tashkent airport on his way to Karshi to defend members of Jehovah's Witnesses who were on trial (see section 2.c.). Following a July 7 government

audit of the NGO HRW, the MOJ criticized the organization for publishing "biased and tendentious" information about the human rights situation in the country. On December 21, customs authorities detained a local employee of HRW for several hours at the Tashkent airport, confiscated a computer, and accused her of transporting documents constituting a threat to state security. The investigation was pending at year's end.

The Government continued to restrict the activities of international bodies and foreign diplomatic missions and severely criticized their human rights monitoring activities and policies. On March 17, the Government ordered the closure of UNHCR's Tashkent office, having harshly criticized the institution for its assistance to refugees following the 2005 Andijon violence (see section 2.d.). The Government criticized the OSCE's focus on human rights as unwarranted interference in the country's internal affairs. On July 1, following lengthy negotiation with the Government, the OSCE was forced to reorganize its mission in Tashkent, 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 them to cease contact with foreigners. The Government denied accreditation to some foreign diplomats, thus forcing them to leave the country, and criticized others for meeting with members of unregistered organizations.

The Government continued to defy international demands for an independent international investigation into the May 2005 Andijon unrest. Following the May violence in Andijon, foreign governments, the UN, the OSCE, the European Union (EU), and other international organizations called on the Government to allow an independent international investigation. The Government repeatedly refused to do so and instead formed a "diplomatic monitoring group" consisting of selected foreign diplomatic representatives who were invited to periodic meetings to hear the conclusions of the prosecutor general's investigation. According to participants in the group, the process was not transparent. In July 2005 the UNHCR released a report on the Andijon violence, based on a mission to refugee camps in neighboring Kyrgyzstan, which concluded, "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." During the week of December 11 to 15, EU representatives visited the country to discuss the Andijon events, and human rights issues more broadly, with a view towards renewing a regular dialogue on these issues. At year's end neither party had published results of the talks.

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 may mediate disputes between citizens and the Government, and it may make recommendations to modify or uphold decisions of government agencies, but its recommendations are not binding. The ombudsman has 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 large 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. During the year the ombudsman's office reported that it placed representatives in selected prisons to monitor treatment of inmates and also began establishing a network of college and university ombudsmen to assist in resolving student-faculty disputes.

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. In the view of 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, and child abuse persisted.

Women.—The law does not specifically prohibit domestic violence, which remained a common problem. 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 family 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. A 2002 HRW report on neighborhood committees concluded that although the committees played no formal role in divorce proceedings, in practice women frequently were unable to obtain a divorce without the committee's approval, which was seldom granted even in cases of obvious abuse. NGOs working on domestic violence problems 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.

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.

As in past years, there were many reported cases in which women attempted or committed suicide as a result of domestic violence. Local media reported 54 instances of suicide by women in Andijon Province during the year. 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 serving survivors of suicide attempts reported varying degrees of cooperation from individual officials, neighborhood committees, and local governments.

In 2005 there were reports in independent press and from human rights activists and healthcare workers that hospitals, primarily in the Ferghana Valley, performed involuntary hysterectomies on women shortly after they had given birth. While authorities claimed that hysterectomies were only performed in cases of medical need, NGO and other sources reported several cases of medically unnecessary procedures. In other cases it was reported that doctors implanted contraceptive devices in women who had recently given birth, without their prior knowledge or consent. There were no new cases of such practices reported during the year (see section 1.f.).

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.

Trafficking in women for sexual exploitation remained a problem (see section 5, Trafficking).

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. A deputy prime minister at the cabinet level was charged 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, although it did not adequately fund public education and health care.

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 education expenses had to be paid by families. Teachers earned extremely low salaries and routinely demanded regular payments from students and their parents. According to government statistics, 98 percent of children completed nine years of education through basic school. However, anecdotal evidence indicated that children increasingly dropped out of middle and high schools as economic circumstances continued to deteriorate. According to the UN Children's Fund (UNICEF), net secondary school attendance reflecting children who continue after enrollment was 70 percent for boys and 73 percent for girls.

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. 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 UNICEF, 13 percent of young women were involved in child marriages.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution (see section 5, trafficking).

During the cotton harvest, many school children, particularly in rural areas, were forced to work in the cotton fields (see section 6.d.).

Trafficking in Persons.—The law prohibits trafficking in persons; however, the constitution does not specifically prohibit it. Trafficking was a significant problem. A few NGOs reported that some local officials accepted bribes from traffickers; at year's end there were no reported investigations or prosecutions of corrupt officials.

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. The International Organization for Migration (IOM) estimated in late 2005 that over 500,000 citizens annually fell victim to trafficking for labor and sexual exploitation. 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. 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.

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 five to eight years for international trafficking. The majority of convicted traffickers who received prison sentences served no time in prison. Recruitment for trafficking is punishable by six months' to three years' imprisonment and fines of up to approximately $720 (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 the number of public service announcements and similar programs on state television regarding human trafficking rose. Enforcement was generally effective, but convicted traffickers were often amnestied and served little or no jail time. The Government annually amnestied first offenders and those with sentences of less than 10 years; almost every convicted trafficker fell into one of these categories.

Government offices with responsibility for fighting trafficking included the MVD's Office for Combating Trafficking, its 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 cooperated on a limited basis with the IOM on trafficking issues.

Some local officials working at the MVD, 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. Local sources claimed that officials were involved in document fraud and accepted bribes from persons attempting to travel illegally or from the traffickers themselves.

The Government in some cases prosecuted victims of trafficking for illegal migration in the course of being trafficked. Repatriated victims often faced societal and familial problems upon return.

At year's end internationally supported NGOs operated two shelters to help victims reintegrate, one of which was opened during the year. During the year NGOs provided repatriation assistance to 368 trafficking victims. The IOM 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 also routinely allowed the 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 MVD.

During the first half of the year, the OSCE continued cooperation on antitrafficking programs with local NGOs and schools. In March a local NGO in Termez, with the participation of law enforcement and local government officials, conducted seminars for secondary schools, placed antitrafficking notices in local newspapers, and developed informational brochures and educational manuals for teachers and students with OSCE support. Law enforcement and local government officials gave presentations on combating trafficking in persons and provided information on cases under prosecution. On May 23, the OSCE cooperated with a local NGO in Navoi and local authorities, to organize an antitrafficking youth forum for 150 volunteers, who in turn disseminated information in local schools about the nature and dangers of trafficking in persons. OSCE also translated a victim referral handbook into Uzbek and distributed it to NGOs, law enforcement bodies, government agencies, and other interested stakeholders. Law enforcement officials and local government officials actively participated in the forum and provided some funding.

During the year the Government increased its focus on trafficking prevention. A specialized antitrafficking unit in the MVD established in 2004 continued to cooperate with NGOs on antitrafficking training for law enforcement and consular officials, as well as organizing public awareness campaigns.

Government controlled newspapers carried targeted articles on trafficked women and prostitution. In several cases during the year victims cited these awareness campaigns as their first contact with IOM and other antitrafficking NGOs. Government radio continued a weekly call in program for women who were involved in the sex trade, and 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. As a result the IOM reported an increase in the number of calls to its 10 antitrafficking hot lines that were specifically directed at victim assistance. The hot lines received more than 16,000 calls during the year.

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 children with disabilities were generally placed in separate schools. The Government cared 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 involuntary institutionalization. A special department and commission under the Ministry of Health was responsible for facilitating access for persons with disabilities to health care and a special department under the Ministry of Labor and Social Protection was responsible for facilitating employment of persons with disabilities.

National/Racial/Ethnic Minorities.—The population was mainly Uzbek, with significant numbers of Russians, Tajiks, Tatars, and Kazakhs as well as ethnic Koreans.

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. People 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. A brochure produced by the MVD's Department of Corrections for its staff who deal directly with detainees focused primarily on the risk to staff of becoming infected during casual contact. A proposal from the National Institute of Virology recommended channeling HIV positive patients into clinics and laboratories closed off to the rest of the public. The Government's restrictions on local NGOs left only a handful of functioning NGOs that assisted and protected the rights of persons with HIV/AIDS.

In October 2005 the Government, in cooperation with UN agencies and NGOs, launched a national HIV/AIDS prevention program aimed at increasing awareness of the disease and curbing its spread. President Karimov's daughter, Lola Karimova, was a prominent spokesperson for the campaign.

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 three 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, although 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. 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.

The law neither provides for nor prohibits the right to strike. There were no reports of significant labor actions during the year.

There were 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 or as specified by law; however, there were reports that such practices occurred, particularly during the cotton harvest (see sections 5 and 6.d.).

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 provides an exception to the minimum working age for children between the ages of 14 and 16, who may work a maximum of 20 hours per week when school is not in session and 10 hours per week when school is in session. Children between the ages of 16 and 18 may work 30 hours per week while school is not in session and 15 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.

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. There were occasional 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. According to UNICEF, 15 percent of children were involved in child labor. Much child labor was concentrated in family organized cotton harvesting.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution (see section 5).

Enforcement of child labor laws is under the jurisdiction of the prosecutor general and the MVD 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 to long-standing societal acceptance of child labor as a cheap method of cotton harvesting.

In July government television stations ran an International Labor Organization public service announcement on child labor with the approval of the Cabinet of Ministers and other governmental bodies.

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 $10 (12,420 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 not usually paid in practice. Payment arrears of four to six months were common for workers in state owned industries, including government office workers and officials.

The Labor Ministry established and enforced occupational health and safety standards in consultation with unions, but reports suggest that enforcement was not particularly 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.

WESTERN HEMISPHERE

ANTIGUA AND BARBUDA

Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 76,000. 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, sexual abuse of children, and societal discrimination 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.—There were no reports that 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.

On January 19, police shot Kelly Jackson in the leg while searching him and taking him into custody. On June 9, police shot a 13-year-old suspect running away from detention. On July 22, a man charged that police robbed and assaulted him. Also in July there were allegations that a man who died in the hospital from internal injuries had been beaten while in police custody. At year's end investigations into these incidents were still pending.

On October 24, two police officers responded to a domestic disturbance between a husband and wife. While there, the police shot the husband during an altercation. An investigation was pending at year's end.

Prison and Detention Center Conditions.—Prison conditions were poor. Her Majesty's Prison, the country's only prison, held 193 inmates (188 men 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 while awaiting trial, which totaled 52 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.

Role of the Police and Security Apparatus.—Security forces consist of a police force and the small Antigua and Barbuda Defence Force. The police force comprises 712 officers, 138 of whom are part of the country's fire brigade.

Corruption and impunity were not problems. There was no standing internal investigation body within the police. The police fall under the Prime Minister's area of responsibility, and he can call for an independent investigation into an incident as needed.

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 was recently modified to require 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. 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.

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

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 who allege that their constitutional rights are being or have been violated may apply for redress to the High Court.

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.

Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion.

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 April 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 he had not been tried as of year's end, and he continued to broadcast a daily program on ZDK Radio.

Authorities filed defamation charges against Observer Radio in November 2005, claiming it misreported actions by police during the investigation of a building that had been ordered sealed. The news story was widely reported, but the Government filed charges only against that radio station.

In 2004 the former government cited violations of the Telecommunications Act to revoke the license held by the owners of Observer Radio to operate satellite transmission equipment, and 17 police officers seized the equipment from the owner's home. Authorities later withdrew the charges against Observer Radio and tried to institute them against Winston Derricks, the owner, but by that time the statute of limitations had expired. At year's end the matter was still before the courts, and the equipment had not been returned.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic 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. The police generally issued the required permits for public meetings but sometimes denied them to avert violent confrontations.

Freedom of Association.—The constitution 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.

Rastafarians complained that the use of marijuana, an aspect of their religious ritual, was prohibited. In 2004 Rastafarian representatives met with the Prime Minister and submitted a petition to decriminalize the use of marijuana, but the Government took no action to change the law.

Societal Abuses and Discrimination.—Rastafarians complained of widespread 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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice.

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

Protection of Refugees.—The laws provide for granting asylum or refugee status in accordance with the 1951 UN 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 they feared persecution. The Government did not grant refugee status or asylum. The Government cooperated with the office of the UN 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 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 was sworn in as prime minister in March 2004, replacing Lester Bird, whose ALP had held power continuously since 1976.

There was one woman in the 17-seat House of Representatives and two women appointed to the 17-seat Senate. In addition 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.

There were no members of minorities in parliament or in the cabinet.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year. The Spencer administration created the Special Task Force on Crime and Corruption following the 2004 election, and it continued investigations of former ALP officials. Attorney General Justin Simon headed an investigation regarding the diversion of $15 million (EC$41 million) in tax revenue that was used to purchase equipment in Japan; some of the money had not been accounted for.

In January various media reported that three police officers attached to the English Harbour police station habitually extracted bribes from tourists caught with controlled substances. Authorities transferred the officers to different districts pending investigation. An independent investigation was inconclusive, no charges were filed, and the case was closed.

The director of public prosecution dismissed the three counts of conspiracy charges brought in March 2005 against an advisor to a UPP minister for alleged improper approaches to the Government tender board.

Attorney General Simon filed a lawsuit against former prime minister Lester Bird and two of his cabinet ministers. The charges pertained to alleged corruption in repayment of a loan used to purchase a desalination plant in 1984. The lawsuit was

the third that the Government filed against Bird in attempts to reclaim public funds allegedly lost to corruption during Bird's 1994–2004 government.

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, however, citizens found it difficult to obtain documents, possibly due to funding constraints rather than government obstruction.

Section 4. Governmental Attitude 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.—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, with maximum sentences (rarely imposed) ranging from 10 years' to life imprisonment. Many women were reluctant to testify against their abusers. Organizations such as the Government's Directorate of Gender Affairs sought to increase women's awareness of their rights under the law in cases of domestic violence. The Directorate of Gender Affairs 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 to provide safe havens for abused women and children.

Violence against women came into sharp focus in October 2005, when Senate President Hazelyn Francis was assaulted and raped in her home. In January authorities charged an 18-year-old youth with the attack and remanded him to custody awaiting trial, which had not been held by year's end.

The Directorate of Gender Affairs holds an annual walk and candlelight vigil for the eradication of violence against women and girls.

Prostitution is prohibited, but it remained a problem. In April immigration officials uncovered a prostitution ring disguised as a dating service involving several women from the Dominican Republic. The women were legal immigrants, and no investigation into possible trafficking was reported. There were also a number of brothels that catered primarily to the local population (see section 5, Trafficking).

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. There was no legislation requiring equal pay for equal work. Women faced no restrictions involving ownership of property. The Directorate of Gender Affairs was responsible for promoting and ensuring the legal rights of women.

The Professional Organization for Women of Antigua was 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, its efforts to protect those rights in practice 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 the Dominican Republic. Others came from Barbados, Dominica, Guyana, and Jamaica, and they traveled to Antigua as "entertainers" or "dancers." In October authorities took close to 40 women into custody and found that most held fraudulent immigration documents or no passports at all. It is possible that in some cases brothel owners retained these documents to exert influence over the victims.

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.

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. In 2005 the owner of Caribbean Star Airlines, based in the country, fired nine pilots and five stewardesses who had organized a union. At year's end the matter was still before the Industrial Relations Court.

b. The Right To Organize and Bargain Collectively.—Labor organizations were free to organize and bargain collectively. 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.

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 $2.22 (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, six-day workweek, but in practice the standard workweek was 40 hours in five days. Laws provide for overtime work in excess of the standard workweek; excessive overtime is not specifically prohibited.

Although the Government had not developed occupational health and safety laws or regulations, apart from those regarding child labor, a section of the Labor Code includes some provisions regarding occupational safety and health. While not specifically provided for by law, workers could leave a dangerous workplace situation without jeopardy to continued employment.

ARGENTINA

Argentina is a federal constitutional republic with a population of approximately 39.5 million. In 2003 voters elected President Nestor Kirchner in free and fair multiparty elections; on October 23, 2005, national legislative elections were held. 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: instances of killings and brutality

by police and prison officials, which the Government investigated but often did not punish; overcrowded, substandard, and life-threatening prison and jail conditions; occasional arbitrary arrest and detention; prolonged pretrial detention; weakening of the independence of the legislative and judicial branches; government pressures on the media; domestic violence and sexual harassment against women; trafficking in persons for sexual exploitation and labor, primarily within the country; and child labor.

During the year, the Government resumed trials that were suspended in 1989–90 when the Government pardoned perpetrators of human rights abuses committed during the Dirty War era. In addition, judges convicted several perpetrators of Dirty War-era human rights abuses for the first time since the Supreme Court's 2005 annulment of amnesty laws that had been promulgated in the 1980s.

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 and prison officers committed killings involving unwarranted or excessive force. The authorities investigated, and, in some cases, detained, prosecuted, and convicted the officers involved.

Provisional figures for the first half of the year provided by the Center for Legal and Social Studies (CELS) indicated that security forces were involved in 45 deaths in the City of Buenos Aires and its outskirts, including individuals killed in confrontations during the presumed commission of a crime. The human rights nongovernmental organization (NGO)Coordinator Against Police and Institutional Repression reported 69 killings nationwide from January through late July. There was no distinction in these figures between deaths attributed to justified use of force and those attributed to arbitrary or unlawful deprivation of life.

On July 10, authorities detained three police officers and an agent in Jujuy province in connection with the investigation of the death of Saul Mendoza, a 17 year old who was found hanged with his coat in a police station's restroom on June 30. Some sources reported the teenager was tortured before he died.

On July 31, the Buenos Aires Province security minister fired two police officials for the presumed beating and shooting death of Miguel Eduardo Cardozo, a 15 year-old who accidentally set off one of the policemen's car alarm. The police officers were detained in connection with the investigation of the crime. At year's end, the police officers remained under investigation and had not been formally charged.

In April a judge sentenced Buenos Aires provincial police corporal Adrian Bustos to life in prison for the 2005 killing of the 14 year old pregnant teenager Camila Arjona in Villa Lugano, Buenos Aires Province. In the same case, Oral Tribunal No. 10 also found Corporal Miguel Angel Almiron and Agent Mariano Cisneros guilty of abusive deprivation of freedom and causing injuries. The judge sentenced them to three year prison terms.

There was no new information on the status of the investigation of the nine policemen connected to the 2004 deaths of three juvenile detainees in a fire in a Buenos Aires police station.

In the case of the 2003 killings of Patricia Villalba and Leyla Bashier Nazar in the province of Santiago del Estero, 16 indictees, including seven individuals in pretrial detention, were awaiting oral trial at year's end. The trials were scheduled for early 2007. The former intelligence chief in Santiago del Estero Musa Azar, his son, three former police officers, and two other individuals were charged with killing Bashier Nazar, and nine other police officers and another suspect were charged with killing Villalba.

In July a court sentenced a police officer to life imprisonment and acquitted four other officers for the torture and killing of Andrea Viera in a police station in Florencio Varela, Buenos Aires Province, in 2002.

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

On December 27, federal lower court judge Norberto Oyharbide decided that kidnappings, disappearances, and killings committed between 1973 and 1975 by the defunct extremist armed group Argentine Anti-Communism Alliance(Triple A), were crimes against humanity and, as such, the statute of limitations is not applicable. The Triple A was an extreme right-wing organization, founded and led by then minister of social welfare Jose Lopez Rega. The National Commission on the Disappeared documented 428 political killings attributed to the Triple A, but other estimates put the total number killed at 600 to 2,000. The court asserted that state terrorism began long before the 1974 military coup d'etat.

Judicial proceedings related to killings, disappearances, and torture committed by the 1976 83 military regimes continued (see section 1.e.). A July report by the National Secretariat of Human Rights submitted to the UN stated that there were 958 unresolved cases and 211 former "repressors" who remained in pretrial detention.

In August former police officer Julio Simon, also known as "el Turco Julian," was sentenced to 25 years in prison for the kidnapping, torture, and forced disappearance of Jose Poblete and Gertrudis Hlaczik and for the illegal appropriation of the couple's eight month-old baby. This was the first judgment against a Dirty War security official since the Supreme Court found the 1986 and 1987 amnesty laws unconstitutional.

On September 19, a court convicted former commissioner general of the Buenos Aires Province police Miguel Etchecolatz and sentenced him to life for the extrajudicial killing, torture, and kidnapping of six individuals during the military dictatorship. The judges based their decision on the argument that Etchecolatz's acts were "crimes against humanity, committed in the framework of genocide," a concept not incorporated into the criminal code but conforming to international conventions ratified by the country. Jorge Julio Lopez, a 77-year-old torture victim and a key witness in the case against Etchecolatz, was last seen the day before Etchecolatz's sentencing. The Government offered a $130,000 (400,000 peso) reward for any information that would help locate Lopez and conducted extensive searches, but he remained missing at year's end. Despite speculation, no credible evidence emerged of state involvement in the missing-person case. Some family members of disappeared persons from the Dirty War era, as well as a number of judges and prosecutors involved in cases connected to crimes during the military dictatorship, reported receiving anonymous threats.

On December 27, Luis Gerez, a witness who made depositions against Luis Patti for human rights abuses committed under the 1976–83 military regime, was reported missing. Gerez had testified against Patti, the former police chief during the military dictatorship, during an April 20 appearance before the Lower House. His reported torture by electric shock served as important evidence that ultimately prevented Patti from assuming his seat as a national congressman after being elected to the position in October 2005. President Kirchner ordered federal and Buenos Aires law enforcement agencies to conduct intensive searches, and Gerez was located two days after he went missing. Prosecutors later confirmed that Gerez displayed physical indications of torture and was suffering from psychological trauma. Some opposition leaders, including former President Carlos Menem, suggested the kidnapping was staged by agents of the Kirchner administration, which in turn blamed unknown covert paramilitary groups for the crime. The case remained pending at year's end.

In early September, lower court federal judge Norberto Oyarbide ruled a number of the pardons granted in 1989–90 to be unconstitutional and reinforced the nonapplicability of the statute of limitations for crimes against humanity. The decision allowed resumption of trials against former de facto President Jorge Rafael Videla and two of his cabinet members, Jose Alfredo Martinez de Hoz and Albano Harguideguy, who were charged with the kidnapping of businessmen Federico and Miguel Gutheim in 1976. In September the Criminal Court of Appeals upheld a lower court ruling rendering unconstitutional the pardons granted during the 1990s. The issue then went to the Supreme Court, which had not rendered a decision by year's end.

The National Human Rights Secretariat, which maintained the files of the National Commission on Disappeared Persons, received 9,005 claims for financial compensation from families of those who died or disappeared during the military dictatorship.

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, 85 children 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 comparison to the number of complaints.

The National Human Rights Secretariat stated in late June that the kidnapping, torture, and death of 15-year-old teenager Lucas Ivarrola, which occurred on June 26, had been modeled after methods used in the Dirty War era. Two lower-ranking Navy officials and a civilian (who accused Ivarrola of having stolen a television set) kidnapped him, beat him, and shot him three times in the head. Forensics also

showed that Ivarrola's body had been burned while he was still alive. One of the perpetrators confessed to the crime, and the three suspects accused of aggravated homicide remained in pretrial detention at year's end.

In February an expert witness's opinion confirmed the complaints made by the provincial Committee Against Torture (part of the Buenos Aires Provincial Memory Commission) in the October 2005 case of electric shock torture of prisoner Julio Ortiz in La Plata Penitentiary. The director of forensic medicine in La Plata was under investigation for his alleged obstruction in the investigation of the case.

Prison and Detention Center Conditions.—Prison conditions often were poor and life threatening. Inmates in many facilities suffered 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. Provisional statistics provided by CELS on violent deaths through September in Buenos Aires provincial prisons showed a decrease in the number of violent deaths compared to 2005: 34 through September, compared with 104 in 2005.

Fifteen prison guards and officials remained in preventive detention pending completion of the investigation into the October 2005 fire at the Buenos Aires Magdalena provincial prison, in which 33 prisoners died from smoke inhalation in a fire set in a prison dormitory during a disturbance. Authorities charged prison officials with negligence in the inmates' deaths and dismissed them from the provincial prison service. A total of 41 prison officers were either dismissed or faced disciplinary actions in connection with the inmates' deaths. The investigation continued at year's end.

While women are held separately from men, human right groups reported that some women were held in police stations and that 150 children under the age of four lived in federal and Buenos Aires provincial prisons. Only four out of ten mothers of children living in federal prisons had been convicted, whereas the rest were pretrial detainees.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. The National Secretariat of Human Rights reported that 85 percent of 19,579 children lodged in juvenile institutions nationwide were there for "social reasons," i.e., they had not committed any crimes but had been abandoned, had no families or had families unable to take care of them, or were considered "at risk" for other reasons. In April the Government issued partial implementing regulations for the Law of Integral Protection of Children and Teenagers, aimed at strengthening family ties and providing support to families in order to avoid children being sent to juvenile institutions due only to their social circumstances.

Pretrial prisoners often were held with convicted prisoners. Official estimates reported by the Secretariat for Criminal Policy and Penitentiary Issues indicated that 60 percent of those held in prisons and police jails were pretrial detainees. In Buenos Aires Province, provisional statistics from CELS indicated that close to 80 percent of detainees were in pretrial detention, with an average wait of 36 months before trial. Of that 80 percent, 30 percent were eventually acquitted or had their cases dismissed. From late September to early October, there was a widespread, two week long protest by prisoners in Buenos Aires provincial penitentiaries demanding, among other things, an accelerated trial process and a revision of pretrial detention statutes.

A 2005 report on the penitentiary system by the research center Unidos por la Justicia estimated prison overcrowding at 20,000 prisoners nationwide. Overcrowding in federal prisons was approximately 9 percent. The situation was generally worse in provincial prisons, with some penitentiaries holding almost double their capacity, as was the case in Corrientes and Tucuman provinces.

Following several rulings by the Inter American Court of Human Rights that ordered the Government to take effective measures to protect life and integrity of prisoners in Mendoza Provincial Penitentiary, the Supreme Court instructed the national and Mendoza provincial governments to report the concrete measures they took to improve conditions. By year's end, there were no indications that the national and provincial governments had complied with the Supreme Court's order, despite a second request for information that received a unanimous vote in the lower house of Congress on November 15.

Government officials noted that the findings of both the Inter-American Commission on Human Rights (IACHR) and the Inter American Court of Human Rights were limited to the Mendoza penitentiary.

Elsewhere in the prison system, authorities noted progress in areas such as budget and human resources, ongoing programs for increasing prison capacity, construction of new prisons, and strengthening of the parolee related work of the "Patronato

de Liberados," the provincial agencies responsible for assisting and monitoring parolees and ex convicts. The Government reported that the number of detainees in police stations in Buenos Aires Province decreased significantly, from 7,506 in 2002 to 4,400 at year's end.

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 occasionally arrested and detained citizens arbitrarily. In the past, human rights groups reported difficulties in documenting such incidents because victims were reluctant to file complaints for fear of police retaliation or because of skepticism that police would act.

Role of the Police and Security Apparatus.—The Federal Police under the Interior Ministry have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. 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 endemic in some forces, and impunity for police abuses was common.

The most common abuses included extortion of and protection for those involved in illegal gambling, prostitution, and auto theft rings, as well as detention and extortion of citizens under the threat of planting evidence to charge them for crimes. Some police also were involved in drug trafficking.

Efforts continued in the province of Buenos Aires to remove and prosecute police for corruption and other offenses. In late March the Buenos Aires Province governor and his security minister fired 119 police officers, citing force restructuring as the reason. Authorities fired, dismissed, or suspended more than 2,600 Buenos Aires provincial police since 2004 for alleged abuse, corruption, extortion, and unjustified homicide. In late September, following the disappearance of a witness who had testified in the case against former Buenos Aires Province Police Commissioner General Miguel Etchecolatz (see section 1.b.), the governor suspended, and in other cases dismissed, 36 provincial police agents who had worked in detention centers during the Dirty War.

The provincial security minister reported some recent improvements in the provincial police force: trainees received university training, were required to take human right courses, and were trained at a campus run by the national Border Patrol.

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 argued that there was little compliance with this provision of law, with the police often detaining 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, partially due to the fact that the majority of defendants relied on the overburdened public defender system.

The law provides for the right to bail. 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. Lack of resources for the Public Defender's Office resulted in an excessive caseload for public defense attorneys. Detainees also were allowed access to family members, although not always promptly.

The law provides for investigative detention for up to two years of indicted persons awaiting or undergoing trial; the period could be extended to three years in limited situations. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law (see section 1.e.). A convicted prisoner usually received credit for time already served.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, some judges and judicial personnel were inefficient and at times subject to political manipulation. Following the unexplained absence of a key witness who testified against Miguel Etchecolatz (see section 1.b.), some judicial officials and witnesses complained that anonymous groups had threatened them. The system was

hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. 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 some governors and judicial powers in their provinces.

The judicial system is divided into federal and provincial courts, both headed by a supreme court with chambers of appeal and sections courts below it. The federal courts are divided between the criminal courts and economic courts.

On November 29 the legislature passed a law to reduce the number of the Supreme Court ministers (justices) from nine to five. The seven justices on the bench were to remain in place until two seats are vacated via retirement, death, or impeachment. The two Supreme Court vacancies created by an impeachment and a resignation in 2005 were not filled.

Trial Procedures.—Trials are public, and defendants have the right to legal counsel and to call defense witnesses. 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 was not passed. Lengthy delays in trials were a problem. There is a provision for counsel for indigents; however, in practice counsel may not always be provided due to a lack of resources. Defendants are presumed innocent and have the right to appeal, as do prosecutors. Minors under the age of 16 cannot be criminally prosecuted.

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 ordinary criminal code of justice.

On February 22, Congress passed a law reducing the number of members of the Council of Magistrates, the body charged with the selection, investigation, and sanctioning of judges and management of the judiciary, from 20 to 13. Most opposition parties, civil rights NGOs, and lawyers' associations observed that the amendment favored political representatives over the representatives of judges, lawyers, and academics and undermined the independence of the judiciary.

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 NGOs provide free legal counseling and may represent indigent people 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. However, independent media, NGOs, and international organizations complained about the lack of transparency and oversight in the distribution of federal and provincial government spending on advertising in the media. They also criticized the Government's generally aggressive and confrontational attitude toward critical media outlets and journalists, which led to such acts as publicly singling out by name individual reporters for reproach.

The independent media were numerous and active and, despite the Government's confrontational attitude, 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, and a television station. A few provincial governments also owned broadcast media. In February the Government signed an agreement with Telesur, a Venezuelan government initiative for a Latin American multinational television service. The Government contributed 20 percent of the capital stock and was initially transmitting Telesur's news programs through the state owned Channel Seven.

Some national and international civil rights organizations, as well as several media and press associations, claimed that national and provincial government agencies interfered with media freedom and editorial independence by directing gov-

ernment advertising for partisan political and personal purposes. National government spending on advertising increased significantly over the past few years, from approximately $5 million (15.4 million pesos) in 2002 to approximately $47 million (127.5 million pesos) during the year. This increased spending allowed the survival of a number of media outlets, according to many observers; however, NGOs, press associations, and civil rights advocates contended there was little oversight, few regulations, and that political motives often governed how these funds were allocated to independent media outlets. At the national level, the majority of government agencies were legally obligated to advertise their activities. The responsibility for deciding how to allocate funds for such advertising fell to the secretary for media, who answered directly to the chief of cabinet. Public contracting was done through the Government press agency Telam, which, according to critics, followed no established procedure in allocating these funds.

In mid September the national prosecutor general rendered an opinion in a case brought by the leading daily newspaper in Rio Negro, which also serves Neuquen Province, against the Neuquen provincial government. The newspaper contended that the Government of Neuquen had withdrawn its advertising in retaliation for a series of articles in 2001 regarding Neuquen provincial corruption. Because the Government of Neuquen historically had advertised heavily in the paper, critics argued that removal of this source of revenue constituted de facto censorship. The prosecutor general overruled the paper's petition for the restoration of provincial government advertising, based on the lack of actual regulation governing the issue. In May Grupo Editorial Perfil, the country's second largest media company, sued the national government for its alleged discriminatory policy in withholding official advertising from some of its magazines and its Sunday newspaper. The case remained pending at year's end.

Some radio and television programs critical of the Government went off the air, which some observers suggested resulted from government pressure. Two prominent journalists who had regularly published criticisms of the Government reported receiving death threats. On several occasions, senior government officials singled out one of the journalists by name for public criticism for having written pieces critical of the administration.

In 2005, by virtue of a Presidential decree, the Government extended radio and television broadcast licenses for 10 more years. Numerous FM radio stations also continued to broadcast with temporary licenses. In November a public tender, which promised to conclude the licensing process for most of the country's radio and television broadcasting entities, was opened by the Federal Broadcasting Committee, the executive branch agency in charge of regulating broadcast media.

Internet Freedom.—There were no government restrictions on access to the Internet. The Association for Argentine Reporter Entities (ADEPA), complained about violation of e mail privacy in a case where transcripts of e-mail exchanges between a reporter and a federal judge investigating an international drug trafficking network appeared in one of the law firms representing the defendants. ADEPA argued that the intelligence service must have been monitoring the reporter's e mails and had given the e-mails to the defendant's law firm, since the communications were private and had not been made public or shared by either the reporter or the federal judge.

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 law 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.

In apparent contradiction of nondiscrimination laws, a judge ruled that a landlord could refuse to rent an apartment to a Jewish couple because of the landlord's fear of a possible (terrorist) attack. The National Institute Against Discrimination, Xenophobia, and Racism (INADI) declared that the judge's decision violated antidiscrimination laws. The Delegation of Israeli Argentine Associations (DAIA) appealed the judge's decision. On October 24, the Civil Court of Appeals overturned the lower

judge's decision and ordered the landlord to pay compensation for moral damage to the Jewish couple. This was the first time the courts had ordered defendants to pay compensation as a consequence of discriminatory behavior.

Societal Abuses and Discrimination.—Acts of discrimination and vandalism against religious minorities, particularly the Jewish community, continued.

The Jewish community was estimated to number between 280,000 and 300,000. There were a number of reports of anti Semitic acts, including threats against Jewish organizations and individuals. In August activists of the left-wing group Quebracho, armed with staffs and with faces covered, prevented Jewish community groups from demonstrating in front of the Iranian Embassy. The DAIA filed a suit against Quebracho, but there was no progress in the judicial case at year's end.

On August 13, more than 15 examples of anti Semitic graffiti that were linked to left-wing groups against Israel appeared on walls and in restrooms at the University of Buenos Aires College of Philosophy and Letters; these were followed in late September by anti-Semitic graffiti displaying a nationalist right-wing ideology that appeared in men's restrooms in the University of Buenos Aires College of Social Sciences. On September 21, 20 examples of anti-Semitic graffiti were painted on the walls of buildings in the Palermo district, near Jewish institutions. The vandalism, which occurred just prior to the Jewish High Holy Days, included swastikas and the slogans, "long live Hitler," "long live the Fuhrer," and "Jewish murderers."

On October 25, the Special Prosecuting Unit investigating the 1994 terrorist bombing of the Argentine-Israeli Mutual Association (AMIA) presented its findings and recommendations to the investigating judge. The Special Prosecuting Unit found that the AMIA bombing, which killed 85 persons and injured more than 300, was planned and financed by the Government of Iran and carried out with the operational assistance of Hizballah and local Iranian diplomats. Prosecutors urged the judge to seek national and international arrest warrants for former Iranian President Ali Akbar Hashemi Rafsanjani and seven other persons involved in the attack on the Jewish community center. On November 9, the judge issued arrest warrants for all eight individuals listed in the prosecutors' indictments.

Jewish community representatives expressed concern over perceived anti Semitic comments made by a government official following the AMIA Prosecuting Unit's recommendation to issue arrest warrants. The Government did not make an immediate response to the official's remarks that it was "disgusting" that Israel claimed to fight against terrorism while the country itself practiced terrorism, but it ousted him from his position on November 14 after he paid a visit on the Iranian Charge d'Affaires to support Iran and condemn the decision by the judiciary to issue arrest warrants.

The DAIA noted its concern over increased receipt by individuals of threatening and anti-Semitic e-mails, which they attributed to individuals rather than any organized group.

The Government continued to support a public dialogue to highlight past discrimination and to encourage improved religious tolerance. In July the secretary of worship presided over the signing of a document by representatives of the Archbishopric of Buenos Aires, the Islamic Center of the Argentine Republic, and the AMIA calling for peace in the Middle East. On August 18, the National Ministry of Education sponsored a gathering of 400 students from public, secular, and private religious schools of various faiths, where they sang songs calling for respect and tolerance and prayed in various languages such as Hebrew, Arabic, and Armenian.

DAIA's representatives emphasized the good work of the Government of the City of Buenos Aires in removing offensive graffiti from walls shortly after DAIA provided a list with the locations of the offensive graffiti.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice.

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

Protection of Refugees.—The Law for Recognition and Protection of Refugees, passed on November 8, makes it easier for authorities to grant asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and for providing protection to refugees. This law creates a new National Committee for Refugees (CONARE), which replaces the previous interministerial committee charged with evaluating refugee and asylum claims. In addition to the Ministry of Justice and Human Rights, the Ministry of Foreign Affairs, and the Office of Immigration, CONARE also includes the Ministry of Social Development and INADI. The new law also allows CONARE to begin including refu-

gees in its national, provincial, and municipal assistance programs. 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 Government only granted asylum status to Brazilian, Uruguayan, and Paraguayan citizens on a very limited basis, as stipulated in the 19th-century Montevideo Treaty.

The Government continued the implementation of the agreement with the Office of the UN High Commissioner for Refugees (UNHCR) for a program to resettle at risk Colombian families. The majority of a group of 24 Colombians residing in Ecuador arrived in the country in mid-December; the Government expected the remainder of the group to arrive in January. Unlike in previous years, resettlement was to mostly occur in provincial cities like Mendoza and Rosario in order to facilitate the families' integration, with only one family staying in Buenos Aires.

The Government maintained an interministerial committee to evaluate refugee and asylum claims, which was scheduled to be replaced by CONARE. The Government accepted refugees for resettlement and granted refugee status to 68 persons as of November 21. Applications came from foreigners of over 30 nationalities, the majority of whom were African, Peruvian, and Colombian citizens. Authorities attributed the significant decrease in the number of requests for refugee status(163 applications compared to 385 during 2005) to the implementation of the 2005 06 National Program for Migrant Regularization aimed at citizens of the Southern Common Market associate states; Peruvian and Paraguayan citizens, who had comprised the majority of persons previously applying for refugee status, were now able to receive temporary residence in the country by virtue of their nationality.

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, and the Government provided such protection during the year.

The Government cooperated with the Office of 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 2003 Nestor Kirchner won a plurality of votes in Presidential elections generally regarded as free and fair. In October 2005 national and provincial 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. Observers considered the elections to be free and fair, and there were no claims of fraud by any of the major parties.

On October 29, voters in Misiones Province defeated a referendum to amend the provincial constitution to remove limits on reelection of the governor. Thereafter, other governors who were seeking reelection renounced their candidacies, and other provinces amended their constitutions to institute term limits.

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 29 women in the 72 seat Senate and 86 women in the 257 seat Chamber of Deputies. There were two female Supreme Court justices and three women in the cabinet.

There were no known indigenous, ethnic, or racial minorities in the national legislature, in the cabinet, or on the Supreme Court.

Government Corruption and Transparency.—Transparency International's 2006 annual index reported perceptions of a "rampant corruption problem" in the country. Historically weak institutions and an often ineffective and politicized judicial system made rooting out corruption in any systemic fashion difficult; however, the Government continued to pursue anticorruption measures. In late August a federal judge indicted nine persons, including six former national senators, a former labor minister, a former head of State Intelligence, and a former Senate staffer, in a bribery case relating to votes for amending the labor laws in 2000. The oral trial was tentatively scheduled for 2008.

In late August the Bahia Blanca Deliberative Council removed Mayor Rodolfo Lopes from office for irregularities and malfeasance in the use of public monies, irregular hiring practices of personnel, and other charges. Lopes was under judicial investigation at year's end.

The law provides for public access to government information. At the national level, an executive decree requires executive agencies to answer requests for public

information within 10 working days. A study by NGO Poder Ciudadano, covering the first six months of the year, on executive branch compliance with a 2003 decree regulating public access to information regarding meetings by executive branch officials, concluded that there were improvements in the quantity and quality of the information posted on official Web sites. The study noted, however, reluctance on the part of some agencies to comply with the decree as well as the absence of similar regulations governing the legislative and judicial branches.

Section 4. Governmental Attitude 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.

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.

Women.—The law prohibits domestic violence, including spousal abuse, and provides for removal of the abusive spouse from the home, but it does not provide penalties unless the violence involves crimes against "sexual integrity." In this case penalties can be as much as 20 years' imprisonment.

Domestic violence against women was a serious problem. In Buenos Aires Province, the special Women's Police Stations and Family's police stations received a daily average of 53 complaints of violence.

Any person suffering physical or psychological domestic violence may file a formal complaint with a judge or police station. The law gives family court judges the right to prevent the perpetrator of a violent act from entering the victim's home or workplace. Charges also may be brought in criminal court, which may apply corresponding penalties. However, lack of vigilance on the part of the police and the judicial system often led to a lack of protection for victims.

In March the Interior Ministry launched a federal program that included creating a mobile unit for providing assistance to victims of sexual and domestic violence. Although the program was planned to have a national reach, its initial implementation started in late October in the City of Buenos Aires. There were two mobile units working 24 hours a day. Each unit was composed of a psychologist and a social worker, and two police officials also took part when they received complaints of domestic violence.

In March the provincial Cordoba legislature passed its first domestic violence law, leading to a significant increase in the number of complaints filed. The legislation is quite inclusive. The term "family" includes fiancees and former or current common-law husbands or wives. The law also defines domestic violence as physical, psychological, and economic violence.

In early December the Buenos Aires Supreme Court ordered the 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. Victims could call a cell phone number to get assistance.

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 and a 24 hour hotline offering support and guidance to victims of violence; however, few other shelters existed.

NGOs stressed that women often did not have a full understanding of their rights or of what actions could be considered punishable offenses. In addition there was a great disparity between urban centers and rural areas with respect to women's awareness of, and access to, equal rights. Indigenous women particularly were vulnerable, due to higher rates of illiteracy and insufficient bilingual educational resources.

The law criminalizes rape, including spousal rape, 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 the National Office for Criminal Policy, law enforcement agencies received 3,154 complaints of rape during 2005. Women's rights advocates claimed that police, hospital, and court attitudes toward sexual violence victims often revictimized the individual.

Promotion, facilitation, or exploitation of people into prostitution is illegal, but it occurred. NGOs considered sex tourism a problem but had no estimates of its ex-

tent. Trafficking of women to and within the country for prostitution was a problem (see section 5, Trafficking).

Sexual harassment in the public sector is prohibited under laws that impose disciplinary or corrective measures. In some jurisdictions (for instance, in 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 five days in prison. No federal law expressly prohibits sexual harassment in the private sector. Lugar de Mujer, a women's rights NGO, reported that it received approximately 70 complaints of sexual harassment per month. A survey carried out by the Government Administration Workers Union estimated that 47.4 percent of women interviewed had been sexually harassed.

Although women enjoyed equality under the law, including property rights, they encountered economic discrimination and held a disproportionately higher number of lower-paying jobs. Men earned, on average, 38 percent more than women for equivalent work, an imbalance explicitly prohibited by law. 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 three years for discrimination based on gender.

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.

Children.—Although the Government voiced strong commitment to children's rights and welfare, many programs remained underfunded.

On December 14, Congress passed a new Education Law, which extends free and compulsory education from 10 to 13 years, beginning at age five. The law stipulates an increase in government funding for education beginning in 2010 and requires that schools establish breastfeeding rooms to help students with infants stay in school. Although a 2001 government survey reported school attendance rates between 92 percent (at age five) to 97 percent (ages 13 to 14), a World Bank 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. Access to schooling was limited in some rural areas of the country. School enrollment rates for girls were slightly higher than for boys.

There were numerous federal and provincial health care programs available equally for boys and girls. While such programs were available in all provinces, they tended to be limited to larger urban areas, which made access difficult for children in isolated rural communities.

While child abuse continued to occur and was not uncommon, the Government took measures to combat it. The National Council for Children, Adolescents, and the Family instituted a national hot line which children could use to call for advice, make complaints, and report instances of abuse or other rights violations. In conjunction with other agencies and organizations, the council also conducted educational and awareness raising efforts. Prosecutors and police pursued cases of Internet child pornography. Children also were involved in sexual exploitation, sex tourism, and drug trafficking.

Trafficking of children was a problem (see section 5, Trafficking).

Child labor was also a problem (see section 6.d.).

The lodging of children in juvenile institutions due to social circumstances was a problem (see section 1.c.).

Trafficking in Persons.—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. The law also criminalizes offenses often associated with trafficking, such as kidnapping, forced labor, the use of false documents, and prostitution. Penalties for trafficking ranged from one 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 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 destina-

tion for victims, principally women and minors from Paraguay, Bolivia, Brazil, the Dominican Republic, Colombia, and Chile.

While there were no official reports on the activities of traffickers, the media reported that traffickers often presented themselves as employment agencies or even as individual recruiters. 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.

Trafficking detection and antitrafficking prosecution efforts continued, but with limited success. The Federal Office of Victim Assistance (OFAVI), a unit under the Federal Prosecutor's Office, is the lead agency for coordinating antitrafficking efforts. OFAVI coordinates activities with law enforcement agencies, including the Federal Police and the National Border Patrol Office, with the Ministries of Justice, Interior, and Foreign Affairs, the Immigration Service, and the Secretariat of Children, Teenagers, and Family. Although law enforcement officers lacked a clear mandate from political leaders and sufficient resources to pursue aggressively domestic and international traffickers, investigations and arrests increased. OFAVI also reported an increase in the number of complaints of human trafficking during the year, which it attributed to increased public awareness of the problem and improved training of judges and prosecutors. The Government cooperated on international investigations and worked with Paraguayan and Bolivian authorities on several cases of trafficked persons.

There were no allegations of federal government official involvement in trafficking, and local police and officials suspected of involvement were investigated and prosecuted. In September former federal police commissioner Jorge Luis Gonzalez was found guilty of subjecting individuals to indentured servitude and for the promotion of prostitution of a teenager in Inriville, Cordoba Province, and was sentenced to 14 years in prison. Three women, who had originally been trafficking victims themselves and who had worked in the brothel, received three year prison terms.

Trafficking victims normally were not detained, jailed, or deported, although those arrested for prostitution related crimes are sometimes jailed (for example, if trafficking victims later become abusers), or deported (particularly when cases were handled by prosecutors or judges with little experience or training in trafficking issues).

Although the country lacked a comprehensive nationwide policy of victim assistance, the city of Buenos Aires in particular assisted dozens of victims, and most provinces had facilities for victims' assistance, including psychologists to aid victims and witnesses. 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 of foreign victims of trafficking.

The Government did not have a comprehensive policy to prevent trafficking, but among other efforts it implemented an "interagency table" to try to coordinate actions among offices involved in this problem. The table was part of a program, Victims Against Abusers, led by the Ministry of the Interior. The Office for Criminal Intelligence, the Border Patrol, the Secretariat of Human Rights, the National Registry for Missing Children, IOM, and the National Council for Children, Adolescents, and Families regularly sit in the meetings. The Government made efforts to improve its effectiveness in combating trafficking, notably in the city of Buenos Aires, where it established a network to conduct information campaigns, outreach, and child victim identification. In addition, the Government participated in an International Labor Organization (ILO) project to prevent and eliminate commercial sexual exploitation of children in the border region with Brazil and Paraguay.

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 accessibility to buses and trains for persons with disabilities also were not enforced fully. Through August the National Institute Against Discrimination received a significant number of complaints about discrimination based on disability, mainly for noncompliance with statutes requiring accessibility to means of communication.

On October 17, the city legislature in Buenos Aires amended a 2005 law to exempt disabled people from paying tolls on city freeways.

On September 13, a national newspaper reported complaints of negligence, maltreatment, and other irregularities at the Association of Help to Disabled Children

(APAND), an NGO lodging minors with mental and physical disabilities in Baradero, Buenos Aires Province. Although civil courts in Buenos Aires City and in San Nicolas, Buenos Aires Province, were investigating the complaints, reports stated that the Ministry of Social Development continued sending disabled children to APAND.

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.

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 laws do not specifically contemplate communal ownership. The National Institute of Indigenous Affairs is the Government agency responsible for implementing these provisions.

Poverty rates were higher than average in areas with large indigenous populations. Indigenous people had higher rates of illiteracy, chronic disease, and unemployment. The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous people. Examples drawn from the 2004 05 survey of indigenous people revealed that 33.4 percent of the Mbya Guarani in Misiones, and almost 20 percent of the Wichi in Chaco, Formosa, and Salta over the age of 15, never attended school or received any formal education.

Individuals of indigenous descent from the northern part of the country, as well as from Bolivia, Peru, and other Latin American countries, reportedly were subjected frequently to verbal insults because of their dark skin.

Some communities were involved in land disputes with provincial governments and private companies, particularly over questions of natural resource extraction, pollution, and road construction. On March 1, the Nam Qom Toba community in Formosa Province filed a complaint before the IACHR charging multiple violations of human rights by the provincial police and the provincial and national authorities in 2002. The suit contended that 80 community members were tortured and were detained arbitrarily, some for almost two years. New witnesses made depositions, and their statements were sent to the IACHR for consideration. In August authorities in the Chaco provincial government and the President of the Institute for Chaco Indigenous People signed an agreement for the regularization of land ownership. The agreement followed a 31 day hunger strike of 12 indigenous members of the Toba, Mataco, and Mocobi communities. The case of the indigenous communities association Lhaka Honhat, which had filed a petition before the IACHR to consider the case, was preliminarily allowed on October 21. The parties were given two months' time to provide the IACHR with additional information before it started evaluating the facts. The IACHR also offered to try to help the parties reach an amicable solution.

On November 1, Congress passed a law to suspend for four years the dispossession of lands occupied by indigenous communities. The law also provided for approximately $10 million (30 million pesos) to carry out census and real state studies of lands in dispute in order to identify ways to solve recent conflicts with indigenous communities.

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 percent of the work force was organized.

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 ILO Convention 87. One of those unions, the Argentine Workers Central, presented this claim to the IACHR in March 2004, and its petition was pending at year's end.

The law prohibits antiunion discrimination and requires employers to reinstate workers illegally dismissed for union related activities.

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 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 "minimum services" (undefined) are rendered. Workers exercised this right by conducting legal strikes, but there was little tolerance of strike action. A mass dismissal of employees from Aerolineas Argentinas and suspension of school head teachers both occurred in response to 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 (see section 5). An investigation 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, was underway at year's end. A federal judge declined to review the case, citing lack of jurisdiction, and referred the case to the National Court of First Instance. Some of the workers involved appealed the federal judge's decision, and the case remained pending at year's end.

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. 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 CONAETI approved a new list of hazardous jobs for children and will introduce 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 Ministry of Labor (MOL). Children also were involved in prostitution, sex tourism, and drug trafficking (see section 5).

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 15. 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.

CONAETI worked with the ILO's program for the elimination of child labor during 2005 to complete a national child labor regional survey, which was released during the year. CONAETI also prepared a national plan to combat child labor, which was formally announced in June and began to be implemented during the year. The Government also worked with provincial authorities in the tri border area with Brazil and Paraguay to address child sexual exploitation. CONAETI and the NGO Conciencia also provided technical assistance to teachers and tobacco companies involved in the Porvernir 1 program, designed to provide school meals and recreational activities to children of tobacco workers during the summer holidays. In 2004 congress acknowledged that the country lacked sufficient inspectors and programs to detect child labor or to rescue exploited children and that there were inadequate sanctions against employers for exploiting children. CONAETI carried out an information campaign in late October that included public service announcements, conferences, and roundtables to raise awareness about the problems, as well as inspections that confirmed that child labor remains a problem in the country.

e. Acceptable Conditions of Work.—The monthly national minimum wage was approximately $266 (800 pesos), 10 percent less than the estimated amount of $293 (879 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. A MOL report based on inspections conducted during the year reported that the rate of nonregistered work was 23.29 percent, and that 36.7 percent of the companies had at least one nonregistered worker. A September report by the National Institute of Statistics and Census, the Government agency that provides official statistics, pointed out that the informal sector employed 44 percent of the workforce, or approximately 4.77 million persons.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is eight 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 Perry Christie's Progressive Liberal Party (PLP) regained control of the Government after 2002 elections that observers found to be generally free and fair. The civilian authorities generally maintained effective control over security forces.

The Government generally respected the human rights of its citizens, but there were problems in some areas. The most significant human rights problems were arbitrary arrest and detention, complaints of abuse by prison and detention center guards, lengthy pretrial detention and delays in trials, violence against women and children, and continued 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 killings by prison guards.

On January 17, prison guard Sandy Mackey allegedly killed inmate Neil Brown in retribution for the death of a fellow officer during a prison escape. The coroner's court recommended murder charges against the guard, but criminal charges had not been filed by year's end.

In March 2005 a coroner's court found that police committed unlawful manslaughter in two killings in 2003 and 2002, and authorities brought charges against two police officers. At year's end their trials were still pending.

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 (see section 1.d.).

On October 6, a judge ordered that a convicted criminal be subjected to whipping with a cat-o'-nine-tails, punishment that was supported by the Government and previously upheld by the Privy Council. Human rights observers alleged that flogging was inhuman and degrading punishment.

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

Prison and Detention Center Conditions.—Conditions at Fox Hill Prison, the country's only prison, improved slightly but remained harsh for the vast majority of prisoners. Overcrowding was a major problem. The men's maximum-security block, originally built in 1953 to hold 450 inmates, held more than 725 of the approximately 1,500 total inmate population. The remaining prisoners were held on remand, and in medium- and minimum-security units that were at intended capacity. The prison remand area, built to hold 300 prisoners awaiting trial, was insufficient to hold the 650 prisoners awaiting trial, leaving many pretrial detainees confined in cells with convicted prisoners in the maximum-security unit. Male prisoners placed in the maximum-security unit were crowded into poorly ventilated cells that

generally lacked regular running water, toilets, and laundry facilities. Most prisoners lacked beds, slept on concrete floors, and were locked in small cells 23 hours per day, often with human waste. Maximum-security inmates were allowed outside for exercise four days a week for one hour per day. Inmates complained of inadequate medical care and treatment.

Fox Hill Prison hired a nutritionist to plan prisoner meals, increased the variety of educational courses available to prisoners, installed recreational equipment for prisoners, and refurbished two dormitories, including a dormitory formerly known for inhumane conditions. The Government also increased training on use-of-force guidelines adopted in 2005, working with foreign experts on humane prisoner control techniques.

Local attorneys and human rights observers asserted that the prison's internal affairs unit, established in 2005, lacked the independent authority needed to impartially investigate allegations of abuse and misconduct. During the year the unit recommended that one officer be prosecuted following abuse of an inmate. Prosecution was pending at year's end.

There were allegations of abuse by prison guards. Guards killed one inmate and beat several others following a January 17 escape attempt that resulted in the death of a prison guard (see section 1.a.). Citing an unpublished internal investigation, prison officials maintained that, prisoner claims and photographic evidence notwithstanding, there were no unlawful beatings of the escaped inmates.

Organizations providing aid, counseling services, and religious instruction had regular access to inmates. The Government continued funding improvements in prison facilities and prisoner rehabilitation programs. Prison officials continued to improve technical and vocational programs, opening the programs to women and increasing course offerings from 18 to 25. Approximately 500 of the 900 eligible prisoners participated in training and work release programs.

Although conditions for women prisoners were less severe, they did not have access to work release programs available to male prisoners.

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

The Carmichael Road Immigrant Detention Center held up to 500 detainees (with tent space for an additional 500), and women and men were housed separately. Haitians and Cubans were the most commonly interdicted migrants. The highest occupancy during the year was approximately 850. Detainees complained that non-English speaking migrants were sometimes unable to communicate with guards regarding basic needs and detention center rules. Detainees also continued to complain of abuse by guards. Human rights groups expressed concern that complaint investigations were handled internally without independent review and oversight.

Children under the age of 14 were held in the women's dormitory. Many children arriving with both parents were not allowed contact with the father. Despite the possibility of being held for months, these children did not have access to education.

There were no developments regarding any investigation of the 2004 allegations that guards unlawfully beat and shot a detainee with rubber bullets.

On February 7, Royal Bahamas Defense Force (RBDF) guards allegedly beat Mario Vallejo, a reporter covering the condition of migrants at the detention center. The Government claimed it completed an investigation, but it was not forthcoming with details.

On May 2, a detention center guard allegedly hit and beat Haitian national Jason Lionels with a gun, breaking the guard's weapon. Following the incident, there were protests by Haitian detainees. According to immigration officials, an investigation had not been completed by year's end.

Neither domestic nor international human rights groups visited the detention center or prison during the year. In response to a request for review of conditions following the January 17 jailbreak, death of an inmate, and alleged beatings, authorities denied a local human rights group access to the prison.

d. Arbitrary Arrest or Detention.—Although the constitution prohibits arbitrary arrest and detention, police occasionally arrested and detained persons arbitrarily.

On April 7, police and immigration officials conducted raids of several suspected Haitian communities on Exuma, Eleuthera, and Ragged Islands. Officials arrested and detained hundreds of persons on the basis of suspected Haitian nationality. Approximately 231 persons legally residing in the country were forcibly relocated and detained in Nassau, many of whom were not permitted to provide documentation of legal residency prior to arrest and relocation. Detainees claimed that the raids

were conducted illegally without warrants in the middle of the night. The Government said that the arrest and detention of legal residents was lawful and necessary to confirm that documents were not fraudulent. The Government did not make provisions to return the detainees to their home islands.

Role of the Police and Security Apparatus.—The Royal Bahamas Police Force (RBPF) maintains internal security, and the small 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 oversees the RBPF and the RBDF.

On December 6, the new RBDF commander acknowledged potential corruption in the defense force by calling 25 percent of the force "bad apples" that he would "seek to remove" from the force.

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 complaints and corruption branch lacked the independent authority needed to impartially investigate 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. There were 283 complaints against police during the year, compared with 253 in 2005. Of these 283 cases, authorities resolved 99, 59 remained before a tribunal, and had 125 still under investigation at year's end. Of the 99 completed matters, 16 were resolved informally and the remainder were dismissed or withdrawn as unsubstantiated.

Following investigations into complaints against police during the year, including unethical conduct, assault, wrongful arrest, and excessive use of force, authorities dismissed three officers and brought criminal charges against 15 officers, all of which were pending at year's end.

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

Arrest and Detention.—In general the authorities conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law provides that a suspect must be charged within 48 hours of arrest. Arrested persons appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Police can apply for a 48-hour extension upon simple application to the court and for longer extensions with sufficient showing of need. Some persons on remand claimed they were not brought before a magistrate within the 48-hour time frame. The Government generally respected the right to a judicial determination of the legality of arrests.

Although there is a functioning bail system, the law prohibits bail for repeat offenders and those accused of certain violent crimes. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, in practice foreign suspects generally 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 (see section 1.e.). The constitution provides that suspects can be held for a "reasonable period of time" before trial. Suspects commonly were held two to four years before they received a trial. Government officials stated that 650 of the 1,500 prisoners at Fox Hill prison were awaiting trial. Prison officials estimated that approximately 100 prisoners had been held on remand without trial for over two years. Some prisoners claimed that the prospect of lengthy remand provided strong disincentive to demand a trial because a guilty plea could mean less time in prison.

On March 9, the Court of Appeal awarded damages to Atain Takitota, a Japanese man who had been held at Fox Hill Prison without trial since 1992, as a result of illegal detention without provision of due process. Local human rights observers claimed that a lack of transparency in the prison system and a lack of legal representation of Takitota allowed him to become "lost" within the prison system.

While the numbers of prisoners on remand and length of time remanded did not change, the Government made efforts to improve the problem. It instituted a "Swift Justice Initiative" with the goal of bringing all matters to trial within two years. It passed legislation to ease burdens on witnesses in an attempt to lessen trial delays and instituted a new process to speed prosecution of serious cases. However, members of the judiciary criticized the initiative for failure to adequately protect defendants' rights (see section 1.e.).

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

Authorities held seven Cuban nationals at Carmichael Road Detention Center for more than two years, including five whom, according to the Department of Immigration, the office of the UN High Commissioner for Refugees (UNHCR) determined to have a legitimate fear of persecution if sent back to Cuba. International observers claimed that the length of detention for these and other Cuban detainees was excessive.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

However, on November 7 the Court of Appeal issued two rulings finding undue government influence on the judiciary. In one ruling, the judge asserted that the Swift Justice Initiative, by assessing judges on conviction rates and speed while creating procedural mechanisms to speed trials, reduced judicial independence. The second ruling found that the mechanism for government control of judicial salaries also interfered with judicial independence, removing the court's ability to fairly adjudicate matters. Following the ruling, other judicial and legal officials, including the President of the Court of Appeal and the Bar Association President, echoed judicial independence concerns. The Government denied the allegations, reasserted its belief in judicial independence, and appealed the determination that the Court of Appeal could not act independently. The appeal was pending at year's end.

Magistrate's courts are the lowest level courts and only handle crimes with a maximum sentence of five years. Trial by jury is available only in the Supreme Court, which handles most major cases. Magistrate's court decisions may be appealed to the Court of Appeal; the Privy Council in 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 for indefinite time periods.

The judicial system had a large backlog of cases, and delays reportedly lasted as long as four years. Local legal professionals attributed most delays to slow police investigation and prosecution rather than a lack of judicial capacity, suggesting that prosecutors had little incentive to quickly bring a matter to trial while the accused were detained for long prison terms while awaiting trial. There were isolated complaints of deviations from normal, fair court proceedings—particularly in civil matters—but there were no indications that this was a widespread problem.

Defendants may hire an attorney of their choice, but the Government only provided legal representation to destitute suspects charged with capital crimes. In a 2003 report, Amnesty International (AI) estimated that 41 percent of inmates did not have legal representation at their trial, and there were no indications of improvement in recent years. Local legal professionals and human rights observers believed that this lack of representation risked hasty convictions on the basis of unchallenged evidence, particularly in the case of poor or illiterate defendants. Local legal professionals and human rights observers also reported that this 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.

The independent media were active and expressed a wide variety of views without significant restriction. However, members of independent media complained that the Government restricted access to some information, providing preferential access to government media sources and denying access to certain government information. Some members of the independent media claimed to be subject to pressure from the Government regarding content and tone of reporting.

On February 7, guards allegedly beat a reporter covering the condition of migrants at the detention center (see section 1.c.).

On April 25, in response to a critical article in the Tribune, the largest circulation daily newspaper, the leader of the governing party issued a "last warning" to the newspaper that its method of coverage of politics must cease. Government officials again complained of press coverage of politics in May and June. In June the Tribune reported that the Government had failed to issue a work permit to John Marquis, author of the critical article. Some observers expressed concern that the failure to issue was an attempt to limit press freedoms. The Government denied the allegations and subsequently issued the work permit after claiming it had completed legally required processes.

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 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. However, there is a Plays and Films Control Board, which rates and censors entertainment. On March 31, the Control Board banned an Academy Award-winning movie on the grounds that it lacked public value.

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 three months' imprisonment. In August 2005 police raided a Rastafarian religious service and briefly detained worshipers.

Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination, including anti-Semitic acts. There was a local Jewish community of approximately 200 persons.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice.

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

Protection of Refugees.—Although the country is a signatory to both the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not established a consistent system for providing protection to all refugees and asylum seekers. In practice the Government provided some protection against refoulement, the return of persons to a country where they feared persecution. Applications for political asylum were adjudicated on a case-by-case basis at the cabinet level. The 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. Although the Government asserted that all migrants who claimed asylum were interviewed by trained immigration officials, AI disputed this claim. The UNHCR reviewed the interview records of cases provided to it and offered recommendations on certain cases.

The Government stated that it would not grant refugee protection to five persons whom UNHCR deemed to have a legitimate fear of persecution. The five persons remained in detention at year's end as the Government sought a country willing to accept them.

Local and international human rights observers criticized the Government for failing to screen potential asylum applicants adequately. These organizations claimed that some Haitians with a legitimate fear of persecution were repatriated without having the opportunity to make a claim for asylum. There 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 exceedingly long periods. The Government denied it inadequately screened potential asylum applicants.

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 ruling PLP and the opposition Free National Movement (FNM). In 2002 national elections generally considered free and fair, the PLP won 29 of 40 seats in the House of Assembly and formed the new government under Perry Christie. The FNM won seven seats, and independents won four.

The 40-seat House of Assembly had eight elected female members; there were seven appointed female senators, including the President of the Senate. A woman served as deputy prime minister and minister of national security. Women also headed several other ministries. Information on racial background was not collected, but it was estimated that there were four members of minorities in parliament and none in the cabinet.

Government Corruption and Transparency.—There were allegations of government corruption during the year. The new RBDF commander acknowledged problems in the defense force (see section 1.d.). Citizens reported 15 matters to the complaints and corruption branch of the RBPF during the year, an increase from eight in 2005. The branch resolved five corruption matters and had 10 under investigation at year's end.

On October 24, a local religious official expressed concern regarding the influence of money on local politics and called for campaign finance restrictions. The official also criticized ethical standards in government.

Prison officials reported isolated incidents of corruption among prison guards, including corruption that played a role in a January prison break (see section 1.c.).

A May auditor's report of 2003 government spending showed irregularities, including missing funds, that did not allow the auditor to certify government accounts. Outside observers alleged the irregularities showed corruption. In addition, observers complained that the Government failed to appropriately account for public spending or to share records on a timely basis with the Public Accounts Committee.

The Government was also accused of corruption and lack of transparency regarding contracts to construct low-income housing from 2002–05. Following allegations of irregularities in provision of contracts, the Government did not provide records in response to media requests. On November 1, media obtained the records from other sources and reported unaccounted funds resulting from the housing contracts. The Government denied wrongdoing.

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 Attitude 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, creed, or gender, and the Government generally enforced these provisions. However, the constitution and the law contained certain provisions that discriminate against women.

Women.—Violence against women continued to be a serious, widespread problem. The law prohibits domestic violence, and the Government generally enforced the law. However, domestic violence laws do not provide penalties separate from other crimes of assault and battery, and the law does not criminalize sexual violence within a marriage. The RBPF reported that a majority of the 60 recorded killings were the result of domestic violence. Police received an estimated 1,000 domestic violence complaints during the year. Women's rights groups cited a general reluctance on the part of law enforcement authorities to intervene in domestic disputes. The police recognized domestic violence as a high priority, provided specialized training for all incoming officers, and offered continuing training in domestic violence. The Government specifically made efforts to increase awareness of domestic violence in the Family Islands. The courts imposed various legal constraints to protect women from abusive spouses or companions. Women's rights proponents advocated the need to improve the effectiveness of enforcement of court orders and to increase legal aid for women. Women's rights advocates also called for improvements to the domestic violence law, including criminalization of spousal sexual abuse.

The Government operated a toll-free hot line in New Providence and Grand Bahama, with trained volunteers to respond to emergency calls 24 hours a day. Government and private women's organizations conducted public awareness campaigns highlighting the problems of abuse and domestic violence. The Ministry of Social Services, in partnership with a private organization, operated a safe house to assist battered women.

Rape is illegal, but the law does not address spousal rape. The maximum penalty for a first-time offender is seven years' imprisonment, and in the case of a second or subsequent conviction, the penalty is 14 years' imprisonment. On occasion rapists were given life sentences. Some rape accusations brought by foreign victims did not result in formal charges. According to the RBPF, there were 72 rapes reported, an decrease from 82 in 2005. More than half of the victims knew their attacker. Prosecutions and convictions on rape charges were common, and the maximum penalty frequently was applied.

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 two years' imprisonment. Civil rights advocates complained that criminal prohibitions were not effectively enforced, and that civil remedies, including a prohibition on "hostile environment" sexual harassment, were needed.

The law does not provide women with the same right as men to transmit citizenship to their foreign-born spouses. The law also makes it easier for men with foreign spouses to confer citizenship on their children than for women with foreign spouses. The law does not include gender as a basis for protection from discrimination. Women continued to advocate an amendment to the constitution and revision of related laws to redress this situation. Women were generally free of economic discrimination, and the law provides for equal pay for equal work.

Children.—The Government claimed child welfare and education were priorities but 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. Cultural biases often forced unwed, pregnant teenagers to leave public schools.

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.

During the year the Ministry of Social Services reported 618 cases of child abuse, including 19 reports of incest, 164 reports of physical abuse, 119 reports of sexual abuse, 293 reports of neglect, 15 reports of verbal abuse, and eight 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. The Ministry of Social Services tracks reports of child abuse, but statistics were not available by year's end. The police routinely referred cases of sexual and physical abuse to the ministry, which investigates them and can bring criminal charges against perpetrators. The ministry may remove children from abusive situations if the court deems it necessary. The ministry provided services to approximately 150 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 Ministry of Social Services is responsible for abandoned children up to 18 years of age but had very limited resources at its disposal. The Government found foster homes for some children, and the Government hospital housed eight abandoned children (all of whom had physical disabilities) during the year when foster homes could not be found. During the year the Government also opened a home to house 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. The maximum penalty for prostitution is five years' imprisonment; procurement for the purpose of prostitution carries a penalty of eight 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.

There were reports that persons were trafficked within, to, or from the country, but the full nature and extent of the problem was undetermined. A 2002 report by the International Labor Organization estimated that 35 children were involved in commercial sexual activities (see section 6.d.), and the Government acknowledged the estimate as generally reflective of current levels of exploitation.

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. In 2005 the International Organization of Migration issued a report on human trafficking suggesting a link between irregular migration and forced labor for domestic servitude, agriculture, and construction.

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

Former residents of the Cheshire Home, who alleged government disability discrimination in their June 2005 eviction from the home, were relocated to new housing at government expense. However, the residents claimed that the new housing did not meet disability access requirements.

In September employees at Sandilands Rehabilitation Center protested inhumane conditions at the Government center, which provides assistance to the mentally disabled. The employees claimed the center lacked sanitary conditions and regular power, creating respiratory problems for residents. The Government stated that it was addressing the concerns through improved maintenance of the facility.

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 so-

cial services, but some Haitians complained of discriminatory treatment in education.

Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. Locally born persons of foreign heritage must apply for citizenship during the year after their 18th birthday, sometimes waiting many years for a government response. Some persons claimed that the short window for application, difficult documentary requirements, and the long waiting times created generations of persons without citizenship in any nation.

Anti-Haitian prejudice and resentment regarding continued Haitian immigration was common. Observers reported that efforts by the authorities to stem the influx of illegal Haitian immigrants, and efforts by politicians to appear tough on immigration, fueled anti-Haitian attitudes. Interethnic tensions and inequities persisted. Human rights observers criticized the April raids by police and immigration officials who arrested and detained hundreds of persons on the basis of suspected Haitian nationality (see section 1.d.).

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. Individuals born in the country to Haitian parents were required to pay the tuition rate for foreign students while waiting for their request for citizenship to be processed.

In January 2005 a dispute over police handling of a traffic accident led to complaints of police bias against Haitians, including two days of violence in a Nassau Haitian neighborhood. Following the incident several persons with Haitian surnames were prosecuted, and two officers were investigated for alleged improper use of force. Investigation of one officer determined that he acted in self defense, while investigation of the second officer continued.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals occurred, with some persons reporting job and housing discrimination based upon sexuality. 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 the Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination. The Government banned a film containing homosexual content, sponsored an antihomosexual rally, and included antihomosexual content in public schools.

On February 22, a private security guard allegedly beat Loxsley Bastian as a result of his sexual orientation. Bastian alleged that in response to the incident, police hit him, used slurs against him, and failed to take appropriate action against the security guard. Police denied wrongdoing, claiming Bastian was abusive and disruptive.

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. However, 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 over a year, after which the employer may call for the union's recognition to be revoked. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions. Almost one-quarter of the work force (and 80 percent of the workers in the important hotel industry) belonged to unions.

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 only can be appealed in court on a strict question of law. Some employers complained that the industrial tribunal was biased unfairly in favor of employees.

b. The Right To Organize and Bargain Collectively.—Workers freely exercised their right to organize and participate in collective bargaining, which the law protects. Unions and employers negotiated wage rates without government interference.

The law provides for the right to strike, and while workers exercised this right in practice, the Government has the right to intervene in the national interest to assure delivery of essential services. The Industrial Relations Act requires that before a strike begins, a simple majority of a union's membership must vote in favor

of a motion to strike. The Ministry of Labor and Immigration must 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.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred (see section 6.d.).

d. Child Labor Practices and Minimum Age for Employment.—Although the law prohibits the employment of children under the age of 14 for industrial work or work during school hours, some children worked part-time in light industry and service jobs. Children under the age of 16 may not work at night. There was no legal minimum age for employment in other sectors. The Ministry of Labor and Immigration is responsible for enforcing these laws and does so adequately.

Although no current data existed, observers generally acknowledged that a small number of children were involved in the worst forms of child labor, including slavery/bondage, sexual exploitation of children through incestuous relationships, illicit or unlawful activities, hazardous activities, and commercial sexual activities (see section 5).

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 was unable to 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 Ministry of Labor and Immigration 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; however, 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 parliamentary 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.—The Government or its agents did not commit any politically motivated killings; however, police shot and killed three suspects in separate altercations during the year. Authorities had not made any determination regarding possible culpability in these killings by year's end.

In June police shot and killed an unidentified man who reportedly had stabbed a police officer. In August a media report stated that police returned fire after being shot at while intercepting a suspicious-looking vehicle, killing one unidentified man and injuring two others. In October the media reported that police shot and killed Kevin Ellis, 32, after a confrontation with officers. Authorities planned to conduct inquests into the killings but had not commenced at year's end.

In July the authorities completed the inquest into the fatal police shooting of convicted murderer and frequent escapee Winston Hall in 2004, and the coroner ruled the killing lawful.

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. Prisoners continued to be held in the temporary prison facility constructed at Harrison Point after the March 2005 riots destroyed Glendairy Prison. A new permanent prison, designed to meet modern international standards, was under construction with completion slated for August 2007.

In March media reports attributed the motive behind the Glendairy Prison fire to widespread incidents of rape within the prison and alleged that rape was also prevalent in the temporary facility in Harrison Point. After his release and deportation, a British citizen incarcerated at Glendairy at the time of the riot wrote several articles highlighting prison conditions at both facilities. In addition to describing the circumstances that led to the Glendairy Prison fire, he also reported on conditions at the temporary facility in Harrison Point. His account alleged unchecked gang violence, indifference of guards to medical needs, cramped quarters, and unsanitary conditions.

In April authorities charged Gerald Orland Clarke with killing fellow inmate Junior "Nook Nook" Boyce during the 2005 riot. The commission investigating the Glendairy Prison fire charged 26 other men with arson in June.

Conditions and services at the temporary prison remained inadequate. Press reports included complaints by prisoners and their families about poor conditions, including unsanitary cells, inedible food, and unclean drinking water. Family members complained that they were denied the opportunity to visit or communicate with their relatives in prison. 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.

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 1,394—including 110 special constables—and is responsible for internal law enforcement. While still a male-dominated profession, the number of female recruits to the RBPF was on the rise. 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 in response to public concern. 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, headed by a superintendent, handled complaints of inappropriate police conduct. In 2004 an independent Police Complaints Authority (PCA) was established to review complaints against the police. In 2005 the PCA's chairman resigned and was not replaced; reportedly no complaints were ever submitted to the PCA.

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 five 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

three 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 were 269 prisoners in pretrial detention at year's end.

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 new 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. At least one person, Clyde Anderson Grazettes, has been held on remand in pretrial detention over four years. 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.

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

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

Civil Judicial Procedures and Remedies.—Magistrate's 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 chatrooms. 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.—In August the Barbados Advocate newspaper published an op-ed by David "Joey" Harper, chairman of the Child Care Board and chief executive officer for the BLP, which was offensive to the small local Jewish community, members of which quickly registered objections to the article. The newspaper printed an apology a day later, taking responsibility for inadvertently allowing the piece to run, while dissociating itself from the views expressed by the author.

For more detailed information, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and 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 UN 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 they feared persecution. The Government did not grant refugee status or asylum during the year.

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 a 23 to 7 seat majority over the DLP.

There were no restrictions on the political opposition. Individuals and parties were free to declare their candidacy and stand for election. In January the leader of the opposition DLP, Clyde Mascoll, changed parties, joining the ruling BLP.

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.—There were no reports of government corruption during the year, and the public perception of corruption in government was reportedly low.

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 Attitude 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.—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.

Spousal abuse remained a problem during the year, despite legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. The law prohibits rape, and the maximum penalty for it is life imprisonment.

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 a 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 upcoming Cricket World Cup in 2007 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. An advocacy group called

the Coalition on Sexual Harassment worked with the Department of Labor, among others, to develop legislation on this issue. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace.

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 female applicants for the police force, as well as for other jobs traditionally held by men, continued to increase. According to the Barbados Economic Society, unemployment among women fell over the past two decades and was on course to dip below the rate for men for the first time, in contrast with the figures for 1987, when the female unemployment rate was 10 percentage points higher than that for men.

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 five 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, no trafficking cases were prosecuted. 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. The IOM noted that in cases where trafficking may have occurred, the Government typically deported the persons suspected of being trafficked 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.

In May authorities filed criminal charges against an India-based construction company alleged to have trafficked 14 laborers who protested at a construction project in November 2005. The Government immediately deported the workers and subsequently charged the foreign company with violating the Immigration Act.

On December 8, authorities charged racecar driver Geoffrey Ullyett with living off the proceeds of prostitution between October 23 and December 4. The alleged prostitutes were two Ukrainians who said that Ullyett abused them and withheld their passports. At year's end the case was still pending, but prosecutors were hampered because key witnesses were no longer in the country.

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.

Through August the Immigration Department deported 68 persons for various immigration violations, eight of whom were deported for prostitution. Trafficking victims were often treated as criminals and deported.

In May the Government's Bureau of Gender Affairs, in conjunction with the IOM, sponsored a two-day capacity-building workshop on trafficking in persons to heighten awareness about potential human trafficking. Although there were no reliable statistics on trafficking, several media articles addressed the issue and highlighted possible instances of trafficking as well as the various means through which persons were trafficked.

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 So-

cial 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.

In April the Prime Minister officially opened Harambee House, a resource and community center specifically for persons with disabilities. Although in April 2005 the cabinet established a National Advisory Committee on the Rights of Persons with Disabilities, whose mandate was to coordinate government efforts to fully integrate persons with disabilities into society, the committee apparently never met.

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.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals occurred.

The Government initiated programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them. The International Labor Organization operated a three-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.

Section 6. Worker Rights

a. The Right of Association.—Workers freely exercised their right to form and belong to trade unions. Approximately 25–30 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 (see section 5). 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 provided a decent standard of living for a worker and family; most employees earned more than the minimum wage. The Labor Department within the Ministry of Labor and Social Security 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 five days, and the law requires overtime payment for hours worked in excess. The law prescribes that all overtime must be voluntary.

During the year the Labor Department consulted extensively with unions and employers' organizations regarding core regulations to implement the 2005 Occupational Safety and Health at Work Act. The draft regulations cover general duties, drinking water, visual display units and workstations, washing facilities, sanitary conditions, personal protective equipment, and noise. 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 291,700. 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 of government authority.

The Government generally respected the human rights of its citizens. Human rights problems included brutality and the use of excessive force by security forces but in most cases the Government took steps to prosecute or punish the abusers. Lengthy pretrial detention remained a problem, as did domestic violence and discrimination against women, as well as sexual abuse of children. Trafficking in persons for sexual and labor exploitation and child labor were 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 and its agents did not commit any politically motivated killings, and there were no instances of government security force members being accused or convicted of unlawful or unwarranted killings during the year. However, some cases of such killings from previous years remained unresolved and others were resolved years later.

After reviewing the August 2005 case in which police constable Randy Sanchez shot and killed Andrew Wallace, the Office of the Director of Public Prosecutions (DPP) determined that the killing was justified since Sanchez was acting in self defense. Sanchez subsequently returned from administrative leave and resumed his police duties.

In 2004 authorities charged police constable Burton Caliz for the killing of Leroy Pilgrim in San Pedro that year. On November 14, the charges were reduced to manslaughter, and the trial was postponed until January 2007.

The DPP appealed the July 2005 sentence of police corporal Sherwood Wade, convicted of manslaughter by negligence for killing Darnell McDonald while off duty in 2003, on the grounds that it was unduly lenient. In June the Court of Appeal overturned the original sentence and fined Wade $7,500 ($15,000 BLZ), or nine months in prison if he defaults.

In March the Court of Appeal overturned the convictions of Belize Defense Force (BDF) private Giovanni Gutierrez and police constable Dennis Palacio for the 2002 killing of Aaron Mariano, and ordered a retrial. Subsequently, the deceased's father accepted compensation of $2,500 ($5,000 BLZ), and the case was closed.

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 torture or other inhuman punishment, there were numerous reports that police and prison staff used excessive force. The Office of the Ombudsman received complaints of alleged misconduct and abuse by police and Department of Corrections personnel. 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. During the year the OIA recorded 74 allegations of police violence. In response authorities disciplined 44 police officers, dismissed two, and arrested five who faced criminal charges. The remaining 23 cases were still under investigation. The ombudsman's office received 101 general complaints of police abuse and resolved 96 cases. The ombudsman determined that police use of force was appropriate in the majority of cases investigated, even if the level of force used was sometimes excessive.

On August 23, police beat 61-year-old Elario Elijio when he tried to intervene while police were arresting his son.

On September 19, police allegedly beat Justin Stuart until his ears bled, and tortured him by putting a plastic bag over his head and tightening it around his neck. Stuart also claimed that police kicked him repeatedly in the stomach and one officer tried to kick him in the groin. At year's end OIA was investigating the incident.

On November 5, police allegedly used batons to beat brothers Goldburn Miller, Elbert Anderson, and Ashton Myers in their home. Miller suffered a broken arm, while Elbert Anderson was transported to the local hospital after having a seizure. Authorities detained the three men and charged them with obstruction. The OIA investigated the alleged beatings. Constable Dennison Longsworth, charged with using unwarranted personal violence, will face a police disciplinary tribunal.

The OIA investigated the claim by John and Frans Faux that Dangriga police tortured them in July 2005 by means of electric shock and beating. The case file was forwarded to the Solicitor General who represented the police officers in a suit brought by the victims against the Government. At year's end the Solicitor General's office was negotiating a settlement with the victims.

On July 17, authorities dismissed charges against police constable Julio Shal in connection with the 2004 shooting injury of Pedro Guzman after Guzman refused to testify.

Former police constable Cyril Wade was convicted and sentenced to five years' imprisonment in connection with the beating of Emile Pinelo. After Wade appealed, the Court of Appeal reaffirmed his conviction in October.

After a court acquitted police superintendent Ewart Itza of all charges stemming from a 2003 brutality investigation, the DPP filed an appeal, and a retrial was ordered. Itza, who retired from the police force in 2004, was charged with false imprisonment, and his trial was tentatively scheduled for January 2007.

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 1,411 inmates, including 33 women and 79 adolescents. Whereas the prison budget provided six dollars ($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, with over 330 inmates in the two buildings that served as the remand section of the prison. Adult remanded prisoners were held separately from convicted inmates.

During the year there were reports that prison authorities brutalized troublesome prisoners, including placing inmates in a small, unlit, and unventilated punishment cell called "supermax." 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 investigated reports of abuse or excessive force by prison officials. In February Lisa Lauriano and Bernadine Reid reported that nine prison officials tortured them using stun guns. The Kolbe Foundation's Board of Directors, prison management, and the ombudsman launched separate investigations. The board and prison management determined that the two inmates had a history of unruly behavior and assault and often had to be physically restrained to prevent them from harming others. The ombudsman's investigation determined that the punishment was excessive and the officers involved should be punished; however, no further action was taken.

Matters of inmate-on-inmate abuse were directly turned over to police. 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.

During the year the Kolbe Foundation established a three-month drug rehabilitation program. Inmates who participated in the program were housed separately from the general prison population in Hattieville's newly constructed Drug Rehabili-

tation Center. The first "class" of 51 inmates graduated on July 1, and a new class of 100 started the program on July 17.

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 male prisoners, on remand and convicted, lived in a separate facility outside the main perimeter fence. The youth facility employed seven staff, including two teachers and one counselor.

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; however, 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 BDF, under the Ministry of Defense, handles external security and also has some domestic security responsibilities and supplied approximately 80 soldiers daily to the Office of the Commissioner of Police. The 1,014-member national police force has a hierarchical structure and generally responded to complaints. A lack of government resources, including low pay for officers as well as corruption, remained problems. During the year there were no reported cases of impunity for security authorities.

The Police Department's OIA, the DPP, and the Office of the Ombudsman investigated allegations of police abuses. The OIA handled a total of 235 complaints, including 62 for alleged brutality by the police resulting in the arrests, dismissals, or disciplining of 51 officers. Similarly, the OIA received 29 complaints of police corruption. Authorities disciplined and dismissed 19 police officers and arrested five who faced criminal charges. The five remaining complaints were withdrawn by the complainants. Although the total number of complaints increased by 78 percent between 2005 and 2006, complaints of police abuse decreased by 84 percent.

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; backlogs in the docket often caused considerable delays and postponement of hearings, resulting in an overcrowded prison and at times prolonged pretrial detention. By year's end approximately 24 percent of the prison population was in pretrial detention (see sections 1.c. and 1.e.).

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.

Judges hold appointments until a mandatory retirement age of 65; however, the constitution allows extending a judge's tenure to age 75. There were five Supreme Court justices and 18 magistrates. Only eight magistrates had a legal training. Most judges were members of the civil service and routinely were transferred between judicial and administrative postings. The Government appoints the DPP for life.

The judiciary consists of the alcalde courts, which have jurisdiction over small civil claims and minor criminal infractions, the magistrate's courts, the Supreme Court, the Court of Appeals, and a family court that handles cases of child abuse, domestic violence, and child support. The family court is at the same level as the magistrate's courts. Family court trials generally were private. The 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 five-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 June, the sole staff attorney of the Legal Aid Center handled approximately 200 cases (including criminal, civil, administrative, and family court cases), but many defendants remained unrepresented. A severe lack of trained personnel constrained the judicial system, and very junior counsels or police officers often acted as prosecutors in the magistrate's courts.

Lengthy trial backlogs continued in the judicial system and increased during the year. The Government cited staffing constraints as the main reason for the growing backlog. During the year the Government took a number of remedial steps, including increasing the number of Supreme Court justices, recruiting five additional crown counsels, and simplifying the civil procedures rules. Routine cases without a defense attorney were decided within one month, but cases involving a serious crime or in which a defense attorney was present took more than one year. As in the previous year, the DPP 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 Magistrate's Court has 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 remained a problem. To address the backlog, the Attorney General's Office in early December appointed two temporary judges from other courts.

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 three years, or both. There were no reports that this prohibition was used during the year.

The independent media presented a range of viewpoints without restriction, and the international media operated freely. 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.

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 could engage in the peaceful expression of views via the Internet,

including by electronic mail. Lack of infrastructure, as well as high cost, 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.

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. There were fewer than 10 persons in the Jewish community.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice.

The 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 UN Convention relating to the Status of refugees and its 1967 Protocol, but the Government has not established a system for providing protection to refugees. Since 1999 the Government had not accepted asylum applications, and there was no legislation that formalized the asylum process. The Government had no procedure in place to accept or resettle refugees.

In February a Somali asylum seeker arrived in the country and, in an effort to reach the UNHCR office in Mexico City, attempted to cross the northern border with Mexico where he was detained by immigration authorities. Help for Progress, UNHCR's NGO implementing partner in the country, had access to the asylum seeker while he was in detention. On May 19, UNHCR learned that the asylum seeker had been released from prison and was escorted to the western border of the country. His whereabouts were unknown at year's end.

UNHCR was seeking clarification from the Government as to whether there were any persons in need of international protection among the small number of undocumented foreigners (including some Cubans) in detention in the country.

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 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 won reelection 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 two women in the 12-member appointed Senate. In October the opposition UDP replaced three of its senators, bringing the total number of women in the Senate to three. There was one woman in the cabinet, and six women were chief executive officers of ministries. Among the country's ethnic groups, 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.—Public surveys and the NGO Transparency International indicated that perceptions of serious corruption increased compared with 2005. Evidence of government corruption was revealed during the year. The Prime Minister appointed commissions to investigate the Social Security Board (SSB) and Development Finance Corporation (DFC), which was accused of allegedly authorizing the use of millions of dollars in public, domestic, and international loan funds to inappropriately assist the business interests of certain citizens. In July the Senate committee tasked with investigating the SSB issued a highly critical 124-page report which resulted in the resignation of the SSB chairman, Yasin Shoman and the firing of the SSB chief executive officer, Narda Garcia. The committee also pledged to forward a copy of its report to the DPP for a determination of criminal charges, but no charges had been filed by year's end. In August the commission of inquiry investigating the DFC began its public hearings. The

hearings were postponed due to the illness, and subsequent death, of the commission's chairman and had not resumed at year's end.

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 that it had not received any such appeals during the year.

Section 4. Government Attitude 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 seventh annual report, the ombudsman reported receiving 345 formal complaints (mostly against government agencies), including 101 against the Police Department, 10 against the Lands Department, 18 against Magistrates Court, 15 against the family court, 20 against the Department of Corrections, and two against the Belize City Council. The ombudsman investigated 90 percent of these cases, despite being allocated limited resources to conduct investigations. According to the ombudsman, most cases were investigated and closed without involving any other authorities.

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 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 September, the Ministry of Health recorded 710 cases of domestic violence of which 624 were cases of violence against women. Approximately 45 percent of the cases (324) arose in the Belize District, which includes Belize City. Only 112 of the 710 cases were reported to the police. There was one shelter for battered women; it contained nine beds and offered short-term housing.

The law prohibits rape, including spousal rape. The Criminal Code states that persons convicted of rape or marital rape shall be sentenced to a prison term of not less than eight years, but which may extend to imprisonment for life. 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 45 rape cases resulting in four convictions with sentences varying between nine and 18 years' imprisonment. The defendant appealed one case and was subsequently acquitted. Another four cases resulted in acquittals, while 12 cases were pending trial at years' end. The DPP withdrew 25 cases.

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 magistrate's 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 $381 ($763 BLZ), compared with $418 ($836 BLZ) for a man.

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 five 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 UN 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. However, the Toledo area reportedly had high incidence of child labor and sexual abuse of children (see section 6.d.). The Family Violence Unit recorded 80 cases of domestic violence against children and 19 cases of sexual abuse against minors. 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. Many parents sold their daughters as child brides to men, often a friend of the family (see section 5, Trafficking).

On April 24, authorities arrested the parents of an 11-year-old female rape victim and a 13-year-old female rape victim for allegedly kidnapping the suspected rapists. The father of one of the rape victims spent two days in police custody and 20 days in jail. On August 4, authorities charged the two victims with kidnapping, denied them bail, and remanded them for eight days to a youth hostel. Charges against the female victims were eventually withdrawn, as were kidnapping charges against their fathers after one of the complainants and her family left the country. No charges were filed against the alleged rapists.

Child labor was a problem (see section 6.d.).

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 (see section 5, Trafficking), 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 five years. There were reports that persons were trafficked within and to the country, mainly from neighboring countries.

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 commercial sex workers 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 were reports 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 (see section 6.d.). Members of the East Indian community also trafficked persons from India as bonded laborers, holding their passports and paying less than minimum wage.

During the year the Government improved its efforts to identify trafficking victims by increasing the number of investigations and raids on suspected brothels. In August the Government reported that it conducted six unannounced raids over a 60-day period, which resulted in the identification of seven trafficking victims. The Government reported no arrests as a result of these raids.

In June police arrested Jitendra Chawla (also known as Jack Charles), an Indian businessman, and charged him with withholding his employees' travel documents; the case was pending at year's end.

In July authorities arrested Amparo Zetina and charged her with trafficking in persons. Amabilia Esquivel, a 19-year-old Guatemalan woman, reported that she had been hired to work in Zetina's restaurant, but after arriving in the country she was repeatedly asked to sexually satisfy male patrons. When she declined, Zetina withheld her pay. Esquivel claimed that when she went to a friend for help, she was ambushed and beaten by people believed to be acting on Zetina's behalf. The case was adjourned until January 2007.

The Government's National Committee for Families and Children reported instances of minors engaged in prostitution with older male clientele, in some cases of their own volition, in others arranged by their family. 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. In many cases, the Government was not able to prosecute individuals for unlawful carnal knowledge because the victims or their families were reluctant to press charges.

The February 2005 case of a Salvadoran national and mother of a 12-year-old girl, charged with abetting carnal knowledge, as well as the cases of three other persons held on related charges were pending at year's end.

The December 2005 police case of Petronila Urratio, charged with forcing her 12-year-old daughter to have sexual intercourse with clients, was set for preliminary inquiry before the San Ignacio Magistrate's Court on January 25, 2007.

In the December 2005 case in which a Salvadoran national, Santos Martinez, took a 12-year-old girl to El Salvador for the purpose of sexual exploitation, Salvadoran authorities detained Martinez, but it was unknown whether Belizean authorities applied for his extradition.

The law also provides for limited victims' assistance, although in practice there were insufficient government resources to provide meaningful aid to victims. Noncitizen victims willing to assist in prosecuting traffickers are legally eligible for residency status.

The Trafficking in Persons Committee, under the Ministry of Home Affairs, is the official government agency responsible for combating trafficking.

The Government's newly revitalized Antitrafficking Committee, made up of NGOs, Ministry of Human Development, social workers, and police, provided training programs for police, immigration officials, and social workers.

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. During the year there were no reports of discrimination against persons with disabilities in employment, education, access to health care, and other state services. The government-operated Committee for those with Disabilities is tasked with enforcing protection and public education.

Private companies and NGOs, such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs with strict entry requirements, within the regular school system.

Indigenous People.—The country is a pluralistic society comprising several ethnic minorities and indigenous Mayan groups. Among the country's indigenous population, the Mopan and Ke'kchi 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 comprised the Toledo Maya Cultural Council, the Q'eqch" 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.—Ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem.

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. In December 2005 the country adopted a national HIV/AIDS policy that promotes voluntary counseling and testing. Shortly thereafter, the BDF announced its intent to implement a policy requiring HIV testing for all new recruits. After the NAC expressed concern that BDF's policy was inconsistent with national policy, the NAC undertook a dialogue with BDF to synchronize BDF's HIV

testing requirements with the national policy. No agreement had been reached by the end of the year.

Section 6. Worker Rights

a. The Right of Association.—By law and in practice, workers generally were free to establish and join trade unions. Nine 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 with the registrar's office. 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. However, an aggrieved employee can seek such redress from the courts. In practice, 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.

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.

In July 80 percent of the DFC workforce went on a one-day strike to protest the Government's decision to recommend that the DFC Board of Directors forgive $3.2 million ($6.4 million BLZ) in outstanding student loans. Their main concerns were that the Government failed to consult the union before making the recommendation, that the loan forgiveness packages were not properly executed, and that the program included persons capable of paying off their loans. In the end, the Government made no attempt to address the employees' concerns.

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.—Child labor was a particular problem in family-related commercial activities. 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. By law, children are permitted 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.

In 2003 the Central Statistical Office issued the findings of an ILO study that estimated that 6 percent of children between the ages of five and 17 were working, with 69 percent engaged in hazardous work. The study did not include the sizeable population of undocumented minors, many of whom were not in school. The Department of Labor coordinated with police and social services authorities to provide health and other services to undocumented foreign children who worked.

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 (see section 5). There were no government-sponsored child labor prevention programs.

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, agro-industry, or the economic processing zones and for "bona fide students," hourly minimum wage is one dollar ($2.00 BLZ); for manual and domestic workers, it is $1.12 ($2.25 BLZ). The minimum wage law did not cover workers paid on a piecework basis. The Ministry of Labor was charged with enforcing the minimum wage, which generally was respected in practice. The national minimum wage did not provide a decent standard of living for a worker and family.

The law sets the workweek at no more than six 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 set and 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 8.5 million. In December 2005 in a generally free and fair process, citizens elected Evo Morales Ayma, an indigenous politician and coca union leader, as President. Morales took office January 22, and under his administration the civilian authorities generally maintained effective control of the security forces.

On July 2, citizens elected a Constituent Assembly (CA) to re-write the country's constitution, and Morales' Movement Toward Socialism (MAS) party won 137 of the 255 available CA seats. The election did not give the MAS the two-thirds majority needed to approve constitutional changes, which became a growing source of tension between the MAS and opposition parties. Nonetheless, the MAS used a simple majority vote to give the CA plenipotentiary powers to "re-found" the state (as opposed to simply revising the constitution), an action taken over the objections of the opposition. At year's end the MAS and the opposition remained deadlocked over the CA's voting rules.

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, press and religious freedoms; 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. Nevertheless, three persons were killed, dozens were injured, and several others were held hostage during violent demonstrations in Oruro and Cochabamba (see section 2.b.). Additionally, security forces killed at least four persons in unrelated events during the year.

On June 9, off-duty police officer Santiago Orocando Arevillca was shot and killed during a conflict with security forces (see section 2.b.).

On July 5, naval officer Wilder Rene Blanco Mendoza was found dead in El Alto; his body showed signs of torture. Officer Blanco had disappeared on June 16. The prime suspects, the last two individuals to have seen him, were also military officers. The case remained under investigation at year's end.

On September 29, 50 to 60 security force members attempted to enter the Carrasco national park to eradicate coca. Reportedly, approximately 200 armed coca growers (cocaleros) conducted a surprise attack on the security force, which resulted in the death of cocaleros Rember Guzman Zambrana and Celestino Rinaldi, as well as eight injuries and the taking of nine police hostages. The police were set free after security forces released four people detained in the attack.

There were several deaths due to prison violence during the year (see section 1.c.).

During the year vigilante action killed at least four persons (see section 1.c.). On June 28, a mob of approximately 400 residents of El Alto lynched a presumed thief. On July 24, in Pampa San Miguel, Cochabamba, a 22-year-old man was severely beaten and burned by his neighbors, who accused him of sexually assaulting a senior citizen. He died two days later. On August 6, neighbors beat to death one of two suspected intruders in Villa Nueva, Potosi, after residents came to the aid of their neighbor, who discovered the suspects in her home. On October 28, citizens burned to death Juan Pesoa Chuve of the indigenous community of Puesto Nuevo de Lomerio in Santa Cruz Department. According to preliminary police findings, an ad hoc people's tribunal sentenced him for having committed acts of witchcraft that harmed his community. (The penal code has no law against witchcraft.)

In the January 2005 case in which naval officer Ruben Dario Rojas shot and killed a 12-year-old boy in Riberalta, on July 1, authorities sentenced Dario to three years in prison.

There were no developments regarding the June 2005 death of Carlos Coro Mayta, who was killed by unknown actors during civil unrest outside the city of Sucre. The Government indemnified the family for his death, and the investigation continued at year's end.

The case of the August 2005 death of military conscript Fredy Moises Kanqui, shot and killed by army officer Luis Fernando Pereara Ramos, was still pending in a military court at year's end, and Pereara remained in preventive detention.

There were no new developments in the August 2005 case of police officer Santiago Calderon Romero, killed during a confrontation in Santa Cruz, or in the September 2005 case of 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.

There were no developments in the investigations of the 2004 deaths of officer Saul Coronado and two peasants, Hernan Masay and Eddy Argmon, during confrontations between security forces and civilians in the town of San Pablo.

There were no new developments in the investigations of the 2004 confrontations between cocaleros and security forces inside the Isiboro Secure nature reserve, which resulted in the deaths of cocaleros Juan Colque and Genaro Canaviri.

There were no developments and none were expected in the investigation of the 2004 killing of Medrin Colque Mollo, presumably by police, during a confrontation between more than 100 squatters and security forces.

On March 17, judicial authorities freed Spanish citizen Francisco Javier Villanueva and Freddy Hurtado, suspects in the 2004 murder of prosecutor Monica von Borries in Santa Cruz. Judicial authorities ruled that Brazilians Ricardo Borba Mezquita and Sandro Carvalho, who escaped from a Santa Cruz prison in 2005, as well as Italian Marco Marino Diodato, who remained at large, were responsible for the murder (see section 1.c.).

In the case of the 2004 lynching of Ayo Ayo Mayor Benjamin Altamirano, authorities filed formal criminal charges consisting of conspiracy, deprivation of freedom, coercion, kidnapping, and murder against 25 suspects. Rufino Penafiel and Nicanor Mamani, both sentenced in 2005 for their association with the killing, were released from prison. Three other persons were tried and sentenced to no more than five years in prison. In December 2005 police arrested the principal suspect and alleged mastermind of the crime, Cecilio Huanca, in Santa Cruz. The oral arguments phase of the trial against 18 suspects began on October 31; judgment was pending at year's end.

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, on April 11, the Government formally charged military officers Juan Veliz Herrera, Luis Aranda, Oswaldo Quiroga, Roberto Claros, and Gonzalo Rocabado with genocide, murder, conspiracy, and "violating individual guarantees" and the "expressed tenor of the constitution." On December 4, the prosecutor ordered that the former President's daughter appear and provide information on her father's involvement in the events of October 2003. On December 18, the Attorney General formally presented charges against the former President, which included genocide, multiple counts of homicide and assault leading

to injuries, deprivation of civil liberties, torture, slander, acts against the freedom of press, destruction of property, and other acts contrary to the constitution.

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, the Vice Ministry of Justice and its Directorate of Human Rights, citizens' groups, and nongovernmental organizations (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 (see section 1.a.). Although there were no specific reports of beatings and abuse by members of security forces, the human rights ombudsman released a report in December 2005 stating 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 12 complaints of security force abuse during the year from citizens in the Chapare region. Cases were not formally filed with the Public Ministry but instead were referred for action to the police Office of Professional Responsibility.

Indigenous communities in areas with little or no government presence imposed punishments that reportedly included the death penalty for members who violated traditional laws or rules, although the constitution prohibits the death penalty. The burning of Juan Pesoa Chuve (see section 1.a.) was an example of "communitarian justice" that contradicted the formal legal system. Vigilante justice was a regular occurrence in the mostly indigenous city of El Alto, where images of presumed thieves were hung routinely in effigy near stores and markets.

In addition to the lynchings cited in section 1.a., there were press reports of 16 attempted lynchings during the year. On March 10, a group of neighborhood residents confused Jose Luis Lopez for a thief and tied Lopez to a venomous ant tree for three hours until police released him. At year's end the police were still investigating this case. Also in March union members, including Carlos Delgadillo and Constantino Quinteros, tied coca farmer Juan Chavez to a venomous ant tree for two hours for failing to attend a March 15 union meeting. The police detained five suspects at year's end.

Law enforcement officials complained of the danger of intervening in lynchings because they were frequently outnumbered by neighborhood residents with whom they had to negotiate to gain the release of suspected criminals into government custody. In neighborhoods known for lynching attempts, residents attempted to justify vigilante action by asserting a lack of local law enforcement.

There were no new developments in the December 2005 beating of Alvaro Guzman, director of human rights for the Vice Ministry of Justice, by La Paz police officers Rene de Rio Rosales, Mario Vaca, and Edgar Choque.

There were no new developments and none were expected in the public ministry investigation of accusations that Santa Cruz police tortured Spanish citizen Francisco Javier Villanueva in 2004 in connection with the car bombing of State Prosecutor Monica Von Borries (see section 1.a.).

Prison and Detention Center Conditions.—Prison conditions were harsh. Prisons were overcrowded and in poor condition. At year's end there were 6,915 (5,934 men, 981 women) inmates in facilities designed to hold 4,700 prisoners. Overpopulated jails included: San Pedro in La Paz by 500 percent, Mocovi by 345 percent, and the women's jail in La Paz by 300 percent. Prison escapes were common; on June 30, 10 persons escaped from Bahia prison in Puerto Suarez. 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 April 13, prisoners killed five fellow inmates during an uprising in the Palmasola prison in Santa Cruz.

Corruption was a problem among low-ranking and poorly paid guards and prison wardens. The number of persons held in detention centers, intended to hold persons prior to the completion of their trials and sentencing, significantly decreased due to the Code of Criminal Procedure (CCP) but was still 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 six years old to live with an incarcerated parent, children as old as 12 lived with their parents in prisons. There were approximately 700 children living with a parent in prison, as an alternative to being left homeless.

The standard prison diet was insufficient, and prisoners who could afford to do so supplemented rations by buying food. On April 8, prisoners rioted in San Pedro prison to demand dietary improvements. In October prisoners around the country went on a hunger strike; their demands centered on modifying counternarcotics legislation, Law 1008, which prohibits prisoners from working and restricts other benefits.

The law provides that prisoners have access to medical assistance, but prisons lacked adequate health care, and it was difficult for prisoners to get permission for outside medical treatment. Of the country's 14 jails, five failed to provide doctors or medical assistance. NGOs and prisoners reported tuberculosis and HIV/AIDS in the jails. The Government was unaware of the number of ill prisoners. 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.

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.

The 706 convicted juvenile (16 to 21 years old) prisoners 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 Inter-American Commission on Human Rights (IACHR) visited in November, and its special rapporteur on the rights of persons deprived of liberty reviewed three prisons. The IACHR expressed concern regarding prisoner health and safety as well as overcrowding. The special rapporteur urged the Government to take measures to ensure that family cohabitation in prisons conform to international human rights standards, particularly in view of the "precarious state of infrastructure, sanitation, and security in those prisons."

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. While the Government generally observed these prohibitions, there were high-profile exceptions to this rule.

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 533 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 high-profile arbitrary arrests and detentions.

The CCP requires an arrest warrant, and the police must inform the prosecutor of an arrest within eight 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.

The law provides that persons older than 60 are subject to domiciliary detention. However, on April 3, authorities imprisoned 68-year-old Jose Maria Bakovic, former President of the National Roads Agency, for three weeks on corruption charges. On September 1, the prosecution suspended its case against Bakovic in order to obtain additional time for case preparation. Although no formal charges were filed, Bakovic was prohibited from leaving La Paz (see section 1.e.).

On July 28, authorities placed former Central Bank General Manager Marcela Nogales in preventive detention for her alleged role in the improper withdrawal of government funds in 2003. The police failed to present an arrest warrant, a requirement under the law. Subsequently, Nogales was detained for 66 days before being

released. Financial audits conducted by a government accounting authority before and after her detention found no evidence of criminal activity but did find administrative irregularities. At year's end the Government continued its investigation but had not filed any charges.

On September 8, four Chinese citizens were detained for eight days without charge. In early November the Constitutional Tribunal upheld their right to habeas corpus. The court ordered that the Government determine the defendants' immigration status immediately.

Many prisoners awaited trial; as of October over 70 percent of inmates were awaiting 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.

Prisoners were allowed access to lawyers, but approximately 70 percent could not afford legal counsel, and public defenders were overburdened (see section 1.e.).

The Government trained 317 police officers in safeguarding human rights during criminal investigations, while 800 police officers and prosecutors were trained in human rights issues in 2005.

Denial of justice through prolonged detention remained a problem. Although the CCP provides that a detainee cannot be held for longer than 18 months awaiting trial and sentencing, this was not respected in practice (see section 1.e.). If the 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 incarcerated 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 (see section 5, Children).

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but according to court officials the Government attempted to undermine judiciary independence. At a December 20 press conference, the Supreme Court President stated that the Government had systematically trampled and subjugated the courts, violating the principle of separation of powers. Corruption and inefficiency in the judicial system remained major problems. The Government reduced already low judicial salaries in February, a move which led to the resignation of many senior judges and weakened the judiciary.

President Morales and other high-level government officials publicly commented on their desire to pursue criminal charges against several former government officials.

The Government attempted to bring criminal charges against five former Presidents for reasons that appeared to be politically motivated. On March 16, the Attorney General declared his intent to bring legal proceedings against former Presidents Carlos Mesa, Jorge Quiroga, and Gonzalo Sanchez de Lozada for signing contracts to sell hydrocarbons to neighboring countries during their respective presidencies. (In October 2004, congress approved criminal charges against Sanchez de Lozada for genocide, murder, and conspiracy in connection with the October 2003 civil unrest.) In August the Government announced its intent to reopen a legal case against former President Jaime Paz for narcotics trafficking that was closed in 1996. On August 3, the Government completed its investigation of former President Eduardo Rodriguez' responsibility for the transfer of surface-to-air missiles for destruction. At year's end the cases against Quiroga, Paz, Mesa, and Rodriguez were pending the required congressional approval to proceed.

On August 25, the Government reopened the prosecution of National Unity party leader and Constituent Assembly delegate, Samuel Doria Medina, on charges that were dismissed 12 years ago. The Government initiated this case after Medina's August 7 public statements in defense of former President Eduardo Rodriguez.

The judicial system has three levels of courts: trial court, superior court, 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.

The CCP provides for a system of transparent oral trials in criminal cases, requires that no pretrial detention exceed 18 months, provides for a maximum period of detention of 24 months in cases in which a sentence is being appealed, and mandates a three-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. Former President Rodriguez claimed he did not have an opportunity to confront the charges against him before the Government sought congressional ap-

proval to levy them. The IACHR, reporting on its November visit, cited "alarming statistics relating to access to justice," noting that only 55 percent of municipalities had any judicial authority and only 23 percent had a prosecutor.

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 four years) before a judge of instruction and felony cases (with possible sentences of more than four years) before sentencing courts, both of which feature a five-member panel that includes three citizens and two judges. The Forensic Medical Institute opened in 2005, although the Attorney General's office did not have the proper chemicals to begin conducting investigations.

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 CCP facilitated more efficient investigations, transparent oral trials, and credible verdicts.

Budget shortfalls at the National Public Defender Service, established to provide indigent defendants with defense attorneys at public expense, reduced the staff to 54 public defenders, nine legal assistants, and nine district directors. 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 CCP 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. 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. Authorities recognized conflicts over military and civilian jurisdiction in certain cases involving human rights. A 2004 constitutional court decision provides that military personnel should be tried in civilian courts for human rights violations. During the year the armed forces organized twelve human rights seminars in different cities and one seminar on the implementation of a consensus document for human rights.

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 who were engaged in alternative development activities were also reluctant to pursue formal complaints against coca growers because of fear of reprisals by the coca syndicates.

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. While the level of antipress rhetoric by the Government and expressions of concern about press freedom by the

media and others remained high, the Government did not take any legal or administrative actions against the media sector.

Government criticism of the press increased in frequency and tone after President Morales' January inauguration. Some media owners opposed the Government's policies and printed biased news stories reflecting their views. The Government singled out specific media outlets, particularly those based in the east, and publicly stated its opposition to them. On May 8, the President declared the owner of Unitel, a large media network based in Santa Cruz, an enemy of the Government. Then on June 1, President Morales asked Unitel journalists to identify themselves before a large audience of MAS party members before he verbally attacked Unitel. On June 5, Presidential security guards assaulted nearly a dozen journalists during a ceremony in Caracallo, Oruro.

On September 20, Vice President Garcia Linera asked media representatives to leave before he gave a private talk to union members from the eastern region. As the journalists attempted to leave, union members beat them with plastic rods. On September 29, the Inter-American Press Association charged that the Government was responsible for increased tensions with the press and expressed concern over the President's comments that the majority of media outlets were the primary enemy.

On October 1, the weekly Jueguete Rabioso, founded by one of President Morales' principal consultants, Walter Chavez, published extensive reports questioning the impartiality of media outlets and accusing them of being part of a conspiracy against the President.

On October 12, the Organization of American States special rapporteur for freedom of expression released its quarterly report citing concerns related to attacks on journalists in the country. On the other hand, Reporters Without Borders (RSF), in its Index of Press Freedom, lauded the country for the level of freedom enjoyed by its journalists. RSF did say, however, that "the growing polarization between state-run and privately owned media and between supporters and opponents of President Morales could complicate the situation." The RSF report covered the 12-month period before September 1. On December 14, RSF issued a release stating its "deep concern" that the media were becoming the leading target for violence between pro- and antigovernment supporters. In addition to citing cases of attacks by progovernment groups, RSF cited the September 8 incendiary bomb attack on the state-run television station in Santa Cruz by several unidentified members of Union Juvenil Crucenista as an example of attacks by antigovernment groups.

In late November the newspaper El Nuevo Dia, with the support of the national press association and human rights groups, filed a complaint against Interior Vice Minister Ruben Gamarra after its journalist Jose Antonio Quisbert was arrested while investigating allegations of corruption in the immigration service.

State-owned and private radio and television stations generally operated freely. However, there were reports that journalists attempting to film or report on events, particularly those involving social movements, were threatened or injured by private individuals or nongovernmental groups critical of their reporting. On October 13, progovernment groups attacked reporters in Cochabamba and Santa Cruz. On November 13, 10 police officers assaulted EFE reporter Martin Alipaz while he was trying to cover a protest in Konani. The police also took his camera's memory card.

The law provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from one month to two 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 chatrooms. 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. Early in the year, government discussions about standardizing the curriculum in private and religious schools were met 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 demonstra-

tions, security forces rarely enforced the law, and most protesters demonstrated without obtaining permits, frequently blockading major thoroughfares and highways.

On June 9, off-duty police officer Santiago Orocando Arevillca was killed during a confrontation with security forces when the Government removed 7,000 squatters from private lands in Oruro. Arevillca, who was participating in a protest with a group called the "Roofless Movement," was killed when security forces attempted to disperse the crowd with tear gas. Twelve to 15 others were injured. Although the circumstances of Arevillca's death were unclear, the case remained under investigation (see section 1.a.).

On December 5, MAS followers unsuccessfully attempted to break into a La Paz church where activists were conducting a hunger strike in support of the opposition's calls for a two-thirds vote for all Constituent Assembly decisions. After the Government announced it was withdrawing police protection from the church, MAS protesters returned on December 6, broke in, and chased out the hunger strikers. Also on December 6, MAS supporters in the Yungas who opposed the two-thirds requirement kidnapped La Paz prefect Jose Luis Paredes and held him for 10 hours in an unsuccessful effort to force him to support a simple majority vote. Security forces did not intervene.

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. Government officials on occasion criticized the Catholic Church. In response to the church's concerns over proposed education reforms, in July Education Minister Felix Patzi called the church an ally of the oligarchy that had dominated the country for 500 years.

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 were no reports of anti-Semitic acts. There was a small Jewish community.

For a more detailed discussion, see the 2006 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. However, protesters blocked major highways at various times at different locations throughout the country. Blockades in La Paz, Chuquisaca, and Cochabamba by coca growers, the MAS party, miners, and social groups caused economic losses.

Although the Government did not revoke citizenship for political or other reasons, an estimated 792,700 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 United Nations 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 they feared persecution. However, on December 24, the Government detained and expressed its intent to deport Cuban dissident Amauri Sanmartino to Cuba for his statements and participation in a violent protest against the Government. Although Sanmartino was a Bolivian resident and not a refugee, previous governments had agreed to protect him and not return him to Cuba because of his fear of persecution in that country. By year's end the Government agreed to deport Sanmartino to another country.

The Government has a system to determine those in need of refugee protection or asylum. The Government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers; however, the Government had not yet adjudicated the cases of any

of the 22 persons who applied for refugee status in 2004, in part because of bureaucratic delays. During the year 59 persons applied for refugee status, and the Government provided refugee protection in 34 of those cases.

There were concerns that the refugee system had become politicized. In May police arrested Angel Acosta and Blas Franco, two Paraguayan fugitives with Interpol arrest warrants for their involvement in the kidnapping and murder of Cecilia Cubas, but shortly thereafter released them. The two had sought and received protected status, despite the Government's knowledge of the Paraguayan arrest warrant. In July after much media attention, the Government reversed its position and cancelled their protected status.

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, approximately 400,000 citizens of voting age lacked the identity documents necessary to vote. As of midyear, the Morales government was pursuing an identification card effort, with Venezuelan assistance, with the stated goal of improving people's 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 to be held every five years.

Elections and Political Participation.—On July 2, the country held national elections, which were generally considered free and fair, for the Constituent Assembly. Voter turnout was 83.65 percent.

In national elections held in December 2005, 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. Voter turnout reached a record-breaking 84.5 percent. A 2004 law permitting small citizen and indigenous groups to participate in elections as political parties significantly raised voter participation in the 2005 elections.

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 resign 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 congress' 157 deputies and senators and four women in President Morales' 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 is self-declared.

Government Corruption and Transparency.—According to the NGO Transparency International, there was a public perception of rampant corruption in the country. 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.

In cases involving allegations of corruption against public officials, congress must give its approval before prosecutors can institute legal proceedings. Authorities alleged that up to 16 former and current congressmen used their influence in the sale of 322 visas to Chinese nationals. On November 1, authorities placed Oscar de la Quintana, the consul in Beijing during the time the visa scandal took place, in preventive detention and charged him with five crimes, including trafficking in persons, improper hiring practices (for hiring three Chinese nationals illegally), and not fulfilling his duties. On November 6, they charged 12 ex-congressmen (all from opposition parties) with influence peddling, while a MAS congressman who was among those requesting the maximum number of suspicious visas was not charged.

On August 28, Jorge Alvarado, director of the state-run oil and natural gas company, resigned in the face of corruption allegations regarding his approval of a contract with Iberoamerica Trading SRL that would have illegally exported petroleum to Brazil. Despite findings of administrative irregularities, the charges against Alvarado were dropped.

In September the press reported that Education Minister Felix Patzi had authorized the purchase of computers in violation of government purchasing rules, but there was no evidence that the case was being prosecuted at year's end.

There was no specific information available on laws providing access to government information or whether the Government provided such access in practice.

Section 4. Governmental Attitude 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 five-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.

On December 7, members of the Union Juvenil Crucenista, an antigovernment group, attacked the President of the Santa Cruz Human Rights Assembly, a local NGO.

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. New offices were opened in El Alto and the Yungas. These offices reported their findings to the Vice 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.

Women.—Violence against women was a pervasive and underreported problem. According to the 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 four 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. As of November 26, the police Family Protection Brigade had attended to 8,954 cases, as compared to approximately 5,200 in 2005, and 3,640 were cases of repeat offenders. However, most cases of domestic violence went unreported.

Rape also was a serious but 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, as modified during the year, criminalizes statutory rape, with penalties 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 two to six years' imprisonment. Forcible rape of an adult is punished by sentences ranging from four 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.

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 (see section 5, Trafficking).

The CCP 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 the age of five.

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. The Vice Ministry of Women in the Ministry of Sustainable Development protects women's legal rights. 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. Working women face discrimination with regard to some benefits: they are not legally entitled to seek insurance coverage for their nonworking husbands, although a married man may obtain insurance coverage for his nonworking spouse. 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 micro-business, 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, and CIDEM.

Children.—The Government's commitment to children's rights and welfare was insufficient to improve conditions appreciably. There were seven Defender of Children and Adolescents offices to protect children's rights and interests.

Public schooling was provided up to age 17 or eighth grade. The law requires all children to complete at least five 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. In October the Government announced that it would provide a $25 (200 bolivianos) subsidy to all primary school students to assist with school-related expenses. 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 five, and there was no apparent difference in access based on gender. Pilot centers offered subsidized health care to children over the age of five, 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 UN 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 (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

Several NGOs had active programs to combat child prostitution. The Government's plan to combat child labor included a public information campaign against child prostitution and raids on brothels.

Trafficking in Persons.—On January 10, President Rodriguez signed a new law prohibiting trafficking in persons, which specifically criminalizes trafficking in persons for the purpose of prostitution and provides for prison terms of four to 12 years when the victim is less than 14 years of age. However, there were credible reports that persons were trafficked to, from, or within the country. The Government investigated 44 cases of trafficking in persons; while there were some arrests, there were no convictions.

The country is a source for men, women, and children trafficked for forced labor and sexual exploitation to Argentina, Chile, Brazil, Spain, and the United States; however, there were no reliable estimates on the extent of trafficking. 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 were duped or later coerced into accepting jobs that turned out to be forced labor.

The Ministry of the Presidency, via an inter-institutional committee, has responsibility for trafficking matters. 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.

Some government officials reportedly took bribes to facilitate smuggling and the illegal movement of people; however, the Government did not condone or facilitate trafficking and in 2005 removed at least two high-level immigration officials on suspicion of corruption. It was not known whether any of those dismissed were accused of involvement in trafficking. 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 18 years of age.

In June the prefect of La Paz opened a shelter for abused and exploited children that also provided services for trafficking victims. In November police attended a seminar on trafficking of children and adolescents.

The Defenders of Children offices in municipalities, sometimes in cooperation with NGOs, managed scattered assistance programs for victims.

The NGOs Terre des Hommes, International Organization of Migration, and 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.

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.

During the year the human rights ombudsman developed a plan to promote integration of persons with disabilities into society, which the Government adopted via supreme decree.

The National Committee for Incapacitated Persons was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—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 the Department of La Paz.

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 legal 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.

Indigenous groups used the Popular Participation Law to form municipalities that offered them greater opportunities for self-determination. Several political parties, citizens' groups, and a number of NGOs were active in promoting the rights of indigenous people, although progress was minimal. The CCP recognized the conflict resolution traditions of indigenous communities (see section 1.e.).

Indigenous people 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 (see sections 2.d., 3, and 4).

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, an estimated 70 percent of workers were employed in small enterprises with 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 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 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 (see sections 5 and 6.d.).

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. The human rights ombudsman conducted an investigation into this situation and in November 2005 released a formal proclamation

urging regional and national governments to address the problem. During the year the Ministry of Justice began negotiations with ranch owners to normalize working conditions and obtain unpaid wages. On November 6, eight Guarani families received the first settlement of $2,875 (23,000 bolivianos) and divided it among themselves.

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 three 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 work for payment 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 (see section 6.c.).

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 seven 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 (see section 5).

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.

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 one 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 long days 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 mines' infrastructure. Miners in such cooperatives worked in dangerous, unhealthy conditions with no scheduled rest for long periods. 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 188 million. In October voters re-elected President Luiz Inacio Lula da Silva ("Lula") of the Workers' Party (PT) to a second four-year term in a free and fair election. While civilian authorities generally maintained effective control of the security forces, members of the security forces committed numerous, serious human rights abuses, primarily at the state level.

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: beatings, abuse, and torture of detainees and inmates by police and prison security forces; inability to protect witnesses involved in criminal cases; poor prison conditions; prolonged pretrial detention and inordinate delays of trials; attacks on the media by local authorities and organized crime; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous people and minorities; significant obstacles to persons with disabilities; failure to either apply or enforce labor laws; and child labor in the informal sector. In most 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.

There continued to be a high rate of police killings. Police retaliation for Sao Paulo prison riots exemplified the continued pattern of impunity. Government officials (including the President) acknowledged the continued severity of the problem of unlawful killings by law enforcement officials.

Reports from the Center for Studies of Security and Censorship (CSSC) at Candido Mendes University estimated that approximately 3,000 persons were killed by police in Rio de Janeiro State during the year.

The Sao Paulo State Secretariat for Public Security (SPS)reported that Sao Paulo police (civil and military) killed 328 civilians in the first six months of the year, compared with 178 during the same period of 2005; off-duty policemen were responsible for 31 of the killings.

Incidents of police shootings in Sao Paulo that resulted in deaths were concentrated in poor neighborhoods at the periphery of the greater metropolitan area. The sharp increase in police attacks occurred between May and August in response to gang violence and prison riots that overtook the city.

The prison-based organized crime group, the First Capital Command or Primeiro Comando da Capital (PCC), organized a series of armed attacks against law enforcement officials, police stations, buses, and bank agencies and organized riots that broke out simultaneously in 71 state prisons. The police launched offensive sweeps in response to the PCC attacks. From May to August the PCC and the state's security forces engaged in a series of attacks, arrests and reprisals, including the assassination-styled killing of six off-duty prison guards at their homes, and the killing of 13 PCC suspects in a pre-emptive police operation. Elements of the PCC or prisoners killed 41 police officers and eight prison guards. Nine inmates were killed in the prison melees. Military and civil police engaged in several armed conflicts with alleged PCC gang members and killed more than 100 alleged PCC suspects.

Human rights organizations claimed that police used excessive force and may have executed innocent victims. Several state agencies launched investigations into

the killings, but the state police ombudsman's investigation was inconclusive. Early reports from the medical examiner's office indicated that a significant number of those killed by police appeared to have been shot while on their knees, suggesting street executions.

In a preliminary report dated September 18, the Independent Special Commission for the Public Security Crisis of Sao Paulo State, consisting of various government human rights councils, the state public prosecutor's office, the police ombudsman, and civil society groups, determined that 493 persons were killed by gunfire in Sao Paulo State in May, during the 10-day PCC crime wave—nearly twice the average rate. The commission also cited a private analysis of 124 autopsy reports, approximately the same number of suspects reportedly killed by police as cited widely in the press at the time-that concluded that 60 to 70 percent of the cases presented characteristics consistent with execution.

According to the nongovernmental organization (NGO) Global Justice (GJ), the main human rights' problem in Rio de Janeiro State was police violence and impunity. In many cases police officers employed indiscriminate lethal force during apprehensions. In some cases a person's death followed harassment and torture by law enforcement officials (see section 1.c.).

Credible statistics from the Institute of Public Security (ISP) concluded that from January to June, police killed 520 persons in Rio de Janeiro City and 290 in Sao Paulo.

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 (see section 1.e.). There were also numerous killings of indigenous people, mostly related to land disputes (see section 5) and of rural activists and labor union organizers (see section 6.a.). Amnesty International (AI) and other credible sources indicated that these killings often occurred with the participation, knowledge, or acquiescence of state law enforcement officials.

There were reliable reports of killings of government officials by those who had vested interests in the officials' professional activities. Six of the 10 suspects in the 2004 killing of four Labor Ministry inspectors in Unai, Minas Gerais State, remained in jail pending trial. The officials had been investigating slave labor practices at local farms. In July one of the two men suspected of ordering the killing, Anterio Manica, was arrested. The other suspect, Norberto Manica, the elected Mayor of Unai, was placed in protective custody in July and released on November 28. Prosecution remained pending at the end of the year.

In Rio de Janeiro, NGOs including AI and GJ called for the Military Police's Special Operations Battalion or BOPE to stop using caveiroes (special armored vehicles). AI received reports of caveiroes driving into communities and firing at random. According to AI, residents reported that from May to September 2005, 11 deaths in Rio de Janeiro's favelas (shantytowns) were linked to the caveiroes in Manguinhos, Jacarezinho, and Acari—five on a single day. However, due to the anonymity that the vehicle gives, no police officers were tried for an incident involving a caveirao.

On March 2, authorities in Pernambuco State removed from duty 13 military police officers on charges that they tortured 14 adolescents, two of whom died. According to the survivors, military police stopped them, beat them with night sticks, forced them into a police vehicle and transported them to the Coelho neighborhood where they were tortured under a viaduct and thrown into the river. Twelve swam to the river's edge and two drowned: Diogo Rosendo Ferreira and Zinael Jose Souza Silva.

On July 17, men near a caveirao shot and killed Sergio Bezerra do Nascimento, as he was walking to work in Favela Acari. The head of the homicide division confirmed that two armored vehicles were operating in the area at the time of the killing but did not confirm any connection to the shooting.

According to the Communications Section of the Military Police Department, only eight officers in the case of 11 military police arrested on suspicion of involvement in at least 26 killings over three years as part of a death squad in Natal, Rio Grande do Norte State, remained in jail at the end of the year. The investigation was ongoing and all involved were still awaiting trial.

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 13 states. Credible, locally based human rights groups reported the existence of organized death squads linked to police forces that targeted suspected criminals and persons considered problematic by land owners or "undesirable" in almost all states.

On November 21, the Supreme Court released 17 persons (mostly police) accused of being members of a death squad in Curitiba, Parana. The group spent almost five

years in jail and was released because the prosecutors had not formalized the accusations. While the group was accused of a number of killings, robberies, arms trafficking, and drug trafficking, the court ruled that holding them in prison without charges was a human rights violation.

In August a court convicted and sentenced to 543 years' imprisonment a policeman accused for participating in the March 2005 military police death squad operation in the Baixada Fluminense neighborhood near Rio de Janeiro City that killed 29 persons in drive-by shootings. Ten other police officers were arrested in April 2005, but only four remained in jail awaiting trial. In October a military policeman cooperating with the investigation was shot to death, a killing that police interpreted as an effort to intimidate those investigating the case. On November 28, the leader of the military police group, Marcos Siqueira da Costa, was stabbed eight times inside his cell.

On their "Map of Violence 2006" the Organization for Ibero-American States (OEI) listed Brazil as number one out of 65 countries in killings by firearms, and number three out of 84 countries for killings by homicide.

AI reported that criminal gangs and drug factions controlled some favelas, particularly in the city of Rio de Janeiro, through intimidation and violence. Lynching was common, especially against those accused of rape or other crimes that went unpunished in these communities due to the absence of state security agents. There were killings by vigilante groups who invaded prisons.

Organized crime attacks against police and civilian targets in Rio de Janeiro City in the four days before New Year's Eve left at least 18 dead and 32 injured, including police, bystanders, and suspects. In one attack, gunmen surrounded and torched an interstate bus with 28 persons, killing seven. Official reports differed on the cause. The newspaper O Globo reported that various criminal factions coordinated the attacks in reaction to clandestine militias formed by police agents to expel them. O Globo claimed state penitentiary officials had evidence the attacks were in preparation for more than two months.

The State Ombudsman of the Police report indicated that "unknown authorities perpetrated" 82 execution-style killings in Sao Paulo State.

There were no new developments in the case of former military police lieutenant colonel Waldir Coppetti Neves and five other military police officers, arrested in April 2005, for creating a paramilitary group to target landless rural workers in Parana State. They were released a few days later but were no longer working for the police. The trial was pending at the end of the year.

In February the Sao Paulo State Appellate Court absolved retired Military Police Colonel Ubiratan Guimaraes in the 1992 Carandiru Prison massacre; in 2001 he had been found responsible for 102 inmate deaths and was sentenced to 632 years in prison. He was freed pending the appeal but was killed in October.

There were developments in the July 2005 killings of four youths in separate municipalities of the greater Rio de Janeiro City of Baixada Fluminense. Leonardo Andre de Tulio and Claudio Andre de Tulio were found dead in Duque de Caxias, and the burned bodies of two other adolescents, Carlos Alberto Ferreira de Paula and Davi dos Santos Matias, were later discovered in Xerem. Investigators were investigating a possible link between these killings and the killing of Matias' sister, allegedly by local drug traffickers, two weeks earlier. The chief of police in charge of the investigation stated that two of the victims had nothing to do with drug trafficking and indicated that evidence showed that a businessman ordered the killings, which military policemen carried out. The case remained under investigation.

There was no additional information on the civil and military police internal affairs investigations initiated in 2004 into cases of death squad activity in Guarulhos and Ribeirao Preto, both large cities in Sao Paulo State.

According to the local Operational Support and Protection of Human Rights Center, only two of 23 officers determined to be involved in forming a death squad in Curitiba, Parana State, remained in jail. Civil, military, and former policemen were among those accused and charged with several crimes, including murder and gang formation. The two that remained in prison were Valmor Ferreira Portal and Nizion Ribeiro da Fonseca; the trial was pending.

During the year the Pastoral Land Commission (CPT) reported that from 31 rural workers were killed. From January to August 743 rural workers were imprisoned. The number imprisoned jumped from the previous year largely due to the radical Landless Freedom Movement's (MLST) invasion of the Chamber of Deputies.

The Ombudsman's Office of the Ministry of Agrarian Development reported 78 rural killings during the year: seven as a direct result of land conflict, 25 determined to be unrelated to land conflicts, and 46 under investigation. In 2005, 66 rural killings were reported, 14 of which were directly caused by land conflicts; 34 were determined unrelated to land conflicts, and 18 remained under investigation.

In December 2005 a court convicted and sentenced two people in the February 2005 killings of Catholic nun Dorothy Mae Stang in Para State, who worked as an advocate for landless persons. On April 24, Amair "Tato" Feijoli da Cunha, the middleman involved in the killing, was convicted and sentenced to 18 years in prison. During the trial, Cunha implicated Vitalmiro "Bida" Moura and Regivaldo Galvao in ordering the crime and providing the weapon. The Para State Justice Tribunal announced that Galvao would be tried by a Para State Tribunal jury and placed him in custody in April 2005, although he was released on June 29; a date for his trial had not yet been announced.

In February 2005 61-year-old environmentalist Dionisio Julio Ribeiro Junior was killed at his place of work, the Rio de Janeiro State "Tingua" biological reserve, near Rio de Janeiro City. Leonardo de Carvalho Marques, who confessed to the crime, later claimed that he was tortured by police and retracted his confession. In August a court acquitted him. The case remained open, and some allegedly corrupt employees were also under investigation in the case.

In September 2005 state courts received testimony in the 2003 killings of four Landless Movement (MST) members in Foz do Iguacu, Parana State. The accused were awaiting trial at year's end.

There were no developments in the July 2005 killing of Catholic priest Paulo Henrique Keler Machado. On June 5, military police entered Favela Fazenda das Palmeiras and opened fire on suspected drug dealers. Gunshots exchanged between the drug dealers and the military police killed 17 children in a school caught in the crossfire.

b. Disappearance.—There were no reports of politically motivated disappearances at the hands of government officials. However, in Sao Paulo the PCC (see section 1.a.) kidnapped a television journalist and a cameraman in August. Both were released unharmed within three days, but only after a major television outlet that employed the hostages aired a video-taped manifesto produced by the PCC. Uniformed and civil police involvement in extortion was widespread, throughout the country. Reports of police kidnapping for ransom was not a significant problem during the year.

In August 2005 Rio de Janeiro State authorities arrested civil policeman Adamo Ricardo Fernandes for kidnapping a doctor from Resende, Rio de Janeiro. Investigations into four other alleged kidnappings involving Fernandes are ongoing. According to the chief of police of Resende. Fernandes was discharged from the civil police and was in jail pending trial.

In December 2005 drug traffickers from the Favela Parada de Lucas, dressed in police uniforms, invaded Favela Vigario Geral and kidnapped, tortured, and killed eight young persons (15 to 24 years of age). One resident reported that police provided support for the drug traffickers. According to Rio de Janeiro's Security Secretariat, two drug traffickers were accused of committing the crime and were arrested. They were later released due to lack of evidence. The witnesses and victims did not appear during the first hearing with the judge.

No further information was available regarding the 2004 case in which police arrested military policeman Anderson Goncalves Viana and his brother-in-law as suspects in the robbery of a building during which the occupants were held hostage.

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 (see section 1.e.).

During 2005 the National Movement for Human Rights (MNDH), together with the Chamber of Deputies' Human Rights Commission, reported that police and prison guards were responsible for nearly 80 percent of the reported cases of torture and that most victims were young, poor, Afro-Brazilian men from less-developed regions; it reported an average of 150 cases per month.

During the first half of the year, the Sao Paulo State Ombudsman's Office received 10 complaints of torture at the hands of police. The NGO Christian Association for the Abolition of Torture (ACAT) received 80 individual complaints of torture at the hands of police or prison officials between January and October. ACAT, and other government organizations generally defined torture narrowly according to the 1997 Law Against Torture. ACAT's directors noted that reported incidents of "police aggression" were far more numerous than those defined as torture. For example, ACAT investigated several complaints that police inflicted extreme physical harm on individuals in their homes during the course of criminal investigations and determined that these cases did not meet the legal definition of torture.

ACAT also investigated several collective cases of torture in the Sao Paulo state prison system. In these collective cases, ACAT interviewed inmates complaining of similar abusive treatment at the hands of prison officials and then reported its findings to state authorities when there appeared to be a practice of abuse within that facility. In a report on the Nestor Camora Prison in Mirandopolis, ACAT interviewed 120 inmates with similar claims. ACAT issued a similar report based on 49 interviews at the Osiris Souza e Silva Prison at Getulina. ACAT's directors reported that complaints of torture in Sao Paulo's prisons spiked during periods of PCC-related conflicts and the related prison riots (see sec. 1.a).

In January 2005 employees of Sao Paulo State's juvenile rehabilitations and detention system (FEBEM) reportedly beat and tortured inmates at the Vila Maria unit. Sixteen FEBEM employees were arrested and provisionally imprisoned, while seven evaded arrest; 55 were indicted on charges of torture, failure to prevent torture, and related charges. Sao Paulo State authorities continued their investigation at year's end.

In March the Parana State Secretary for Public Security opened an investigation into allegations that officials in the port city of Paranagua rounded up homeless persons from the streets, ostensibly to move them to a shelter, but instead tortured them and abandoned them on the streets. In October the Municipal Secretary for Public Security in Paranagua was arrested along with four municipal police officers for suspected torture of homeless persons.

NGOs confirmed that police committed abuse and extortion directed against transvestite prostitutes in the cities of Rio de Janeiro, Belo Horizonte, and Salvador.

On June 26, President Lula created the Brazilian National Committee for the Prevention and Control of Torture, which is headed by the Minister of Human Rights, Paulo Vannuchi, a former political prisoner during the military dictatorship. The same day the Government launched a campaign against torture. The new committee is connected with the Special Secretariat on Human Rights in the Presidency and was to act in cooperation with international organizations and provide incentives for the implementation of its programs. The Committee was also to include academics, NGO representatives, and representatives of the Ministries of Justice and Foreign Relations.

Prison and Detention Center Conditions.—Prison conditions throughout the country often ranged from poor to extremely harsh and life threatening. During the year conditions in Sao Paulo's FEBEM prison and juvenile detention system reached critical stages, as the criminal justice system continued to sentence far more defendants to prison or detention each month than were released. Many inmates were kept beyond their sentences. At the outset of the year prisons in the state of Sao Paulo held nearly 127,000 adult inmates, which was 20 percent above the design capacity of its prisons.

Prison riots were frequent and violent and often occurred simultaneously, throughout the city. Half of the 141 prisons in Sao Paulo State erupted in simultaneous riots during the May PCC-led crime wave, and several other prison riots occurred in the state throughout the year that left inmates dead and large portions of the facilities destroyed. By mid-year Sao Paulo's governor declared 19 prison units uninhabitable following the worst of the riots, and in a July press interview he noted that approximately 12,000 inmates were living in "precarious" conditions.

In mid-June there were three simultaneous riots in Espiritu Santo State where the state government requested the assistance of federal troops. In one of the Espiritu Santo riots two persons were killed, one by decapitation, and 265 persons were taken hostage. At the same time in a riot in Rondonia state, 173 persons were held hostage.

Prison officials often resorted to brutal treatment, 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 (see section 1.a.). Poor working conditions and low pay for prison guards encouraged widespread corruption.

Severe overcrowding in prisons and police detention centers was prevalent and was worst in states with the largest prison populations, such as Rio de Janeiro and Sao Paulo. According to the Ministry of Justice, there were 371,482 prisoners in a system designed to hold 215,003, an overcrowding rate of more than 70 percent. Construction of new penitentiaries continued but was inadequate to alleviate overcrowding.

Prisoners were subjected to unhealthy medical and sanitary conditions. Scabies and tuberculosis, HIV/AIDS, and hepatitis were widespread in Sao Paulo State prisons. According to local NGOs, infectious diseases reached endemic levels. The HIV/AIDS infection rate among prisoners was between 20 and 30 percent. The Ministry of Health reported frequent incidence of skin infections, respiratory problems, HIV/

AIDS, sexually transmitted diseases, and tuberculosis among the general prison population of Sao Paulo State. The Catholic Church's Ministry for the Incarcerated in Sao Paulo reported that in several of the city's police jails, most detainees suffered from skin or respiratory illnesses, and prison administration officials reported that many prisoners who transferred into the Sao Paulo penitentiary system became infected in police jails. Denial of first aid and other medical care sometimes was used as a form of punishment.

In Sao Paulo's Araraquara prison, several sections of the facility were destroyed during a series of riots in May and June. In July prison officials squeezed 1,450 inmates into a 90-foot-square open-air yard with surrounding cells designed to hold 150 prisoners. Prison guards welded shut the doors to the yard, food was thrown over the wall, and medical supplies ran short. The conditions at Araraquara were raised in a September 30 resolution of the Inter-American Court on Human Rights (IACHR) of the Organization of American States (OAS). The IACHR determined that the conditions at Araraquara posed a risk to the health, integrity, and lives of inmates and those conditions could provoke violence. In August the SAP began moving inmates to other facilities under court order.

Overcrowding, poor conditions, prisoner riots, drug abuse, and accusations of sexual abuse and torture, continued to pervade Sao Paulo's FEBEM system. In April a riot at a facility in the Tatuape FEBEM complex resulted in injuries to 44 employees and 18 juvenile detainees. Sao Paulo's government dismantled the facility transferred most of the juveniles to modern facilities reducing the population from 1,200 to 250. A prosecutor opened investigations into three cases and reported that the youths suffered bruising over their entire bodies consistent with physical abuse by officials or police. The State Assembly's Commission on Human Rights and MNDH lodged with the prosecutor additional complaints of abuses that occurred during the same riot; investigations were ongoing at the end of the year.

On September 13, 14 current and former employees of FEBEM were sentenced to prison for the torture of 35 juvenile detainees in 2000 at the Raposo Tavares and Franco da Rocha facilities in Sao Paulo. The prosecutor stated that the defendants promoted the use of violence against detainees. The 35 victims were beaten with boards and metal bars. Two of the defendants were senior officials in the FEBEM system, and each was sentenced to 84 years in prison. Ten additional juvenile monitors were sentenced to 74 years and eight months each, and two facility directors were given sentences of two years and two months for the crime of omission.

In March FEBEM began to close the complex at Tatuape, the site of abuses and conditions so serious that the OAS issued several statements and resolutions urging the state government to adopt reforms or risk sanctions. The detainee population at Tatuape was reduced from 1,200 to 500.

In October a Sao Paulo judge estimated that between 1 and 3 percent of juveniles detained in the FEBEM system, or approximately 500 persons, had some form of mental illness but were not treated separately from the main populations. Riots and escapes continued to occur at FEBEM facilities, particularly during the first half of the year, and usually resulted in the deployment of Prison Authority and Military Police tactical shock units to quell the unrest and restore order.

FEBEM officials stated that the state would build 45 new units designed to house 40 detainees each in 2007.

After the IACHR denounced the prison conditions at the Polinter jail in November 2005, the jail was deactivated on January 30.

In June Human Rights Watch (HRW) issued a report regarding the abuses and poor health and sanitary conditions in juvenile detention centers in Rio de Janeiro State. HRW found that in most cases the abusers were juvenile detention center guards, who were rarely punished. No juvenile detention center guard in Rio de Janeiro State has ever faced criminal charges for abusive conduct. Although Socio-Educational Action (DEGASE) Director for Rio de Janeiro State Sergio Novo disputed the report's findings since some facilities had been repaired since HRW earlier investigations, HRW found that physical and mental abuse continued and that living conditions in some of the centers had worsened. During the year the Father Severino Institute (IPS) for incarcerated youth in the Ilha do Governador neighborhood in Rio de Janeiro City holds 368 minors in a facility designed to hold 160.

The Center for Specialized Treatment of Juveniles (CAJE) in Brasilia, Federal District, held 294 youths in a facility designed to hold 196. The staff included 17 guards, two doctors, a nurse, a psychiatrist, 13 psychologists, 46 social assistants, and some teachers. Of the total number of detainees, 11 females were held in separate living quarters. Local critics reported understaffing, violence, and unsatisfactory treatment of those with mental disabilities at CAJE. In February the IACHR published a report that criticized CAJE for its management of the facility, the illegal transfer of detainees, and poor hygiene and sanitary conditions. The IACHR advised

CAJE to hire more security guards, improve health conditions, discontinue housing more than 40 detainees per unit, and separate detainees based upon the seriousness of their crimes.

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. The administrative director for the Secretariat for Sao Paulo City Administration reported that approximately 5 percent of prison guards in women's prisons were men. In only two Rio de Janeiro State police districts were women held in gender-segregated, short-term jail facilities.

Sao Paulo State made improvements to its women's prisons during the year. Reconstruction of parts of the Women's Prison at Sant'Ana, within metropolitan Sao Paulo, included a state-of-the-art kitchen facility and new privacy rooms and equipment for visitor searches. Several businesses established enterprises within the prison where inmates earned money and credit against their sentence for each day worked, and the women were able to acquire machinery, piecework, and assembly skills. A school within the prison also provided rudimentary education, and the prison at Sant'Ana was generally maintained at or below its designed population capacity.

On occasion juveniles were held together with adults. In March 2005 authorities temporarily transferred 400 FEBEM detainees to the adult prison facility at Tupi Paulista in Sao Paulo State.

While authorities attempted to hold pretrial detainees separately from convicted prisoners, overcrowding often required holding convicted criminals in pretrial detention facilities.

On October 18, the IACHR sent a letter to the Government asking it to protect "the life and health of those deprived of liberty" due to the jail conditions in Niteroi. The IACHR criticized the federal as well as the state governments for the deplorable conditions and urged the Government to reduce the population and provide medical attention, water, and light to the inmates. The case was brought against the Government by the Association for Prison Reform (ARP), GJ, Torture Never Again Group (Grupo Tortura Nunca Mais), Association of Public Defenders for Rio de Janeiro State, and Violence Analysis Laboratory of the University of the State of Rio de Janeiro (UERJ). The commission ordered the Government to take measures to protect life, health, and physical integrity in the prison. It also ordered prisoner transfers, substantially reducing the overpopulation, providing proportional medical care particularly to those with serious health issues, exhaustively investigating the claims of human rights abuses including identifying those responsible and coordinating compliance of these actions with the organizations that reported the situation.

It is government policy to permit prison visits by independent human rights observers, and state prison authorities generally followed this policy in practice. Ministry of Justice officials offered full cooperation to AI, which reported no significant problems in gaining access to state-run prison facilities. GJ reported that the level of access to prison facilities varied from state to state. In Sao Paulo and Rio de Janeiro states, GJ found it difficult to gain access, especially in the Ary Franco and Agua Santa prisons. Sao Paulo State also employed committees of community leaders to monitor prison conditions. The Catholic Church's ministry for the incarcerated in Sao Paulo reported occasional difficulties in entering prisons. Sao Paulo State, like Parana and Rio Grande do Sul states, also 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.

In October human rights advocates in Sao Paulo State, including those who sit on a state governmental council, complained that the state government would no longer permit them entrance to FEBEM facilities for inspections or to meet with detainees. This followed remarks made by the governor in April in which he accused "external groups," who ostensibly work to promote human rights, of agitating juvenile detainees and inciting them to riot. Further, in May human rights groups alleged that the investigation by Sao Paulo State Civil Police (the primary investigative police force for the state) of Conceicao Paganele, the President of the Association of Mothers of FEBEM Detainees (AMAR), amounted to persecution. The groups alleged that Paganele was being harassed because of her involvement in the OAS investigations. Press reports quoted the civil police as suggesting she was suspected of forming a gang, facilitating the escape of detainees, and inciting crimes.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, police continued at times to arrest and detain persons arbitrarily. The law limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority.

During the year cases of arbitrary arrest or detention across Sao Paulo State focused on the waves of violence orchestrated by the prison-based criminal organization PCC (see section 1.a.). During the 10-day period, May 12–22, which represented the most intense period of violence, the state Secretariat of Public Security reported arresting 125 persons suspected of involvement in the hundreds of firearm and homemade bomb attacks across the state, but details were not forthcoming about their subsequent incarceration or about what charges if any were filed and what prosecutions were pursued.

Role of the Police and Security Apparatus.—The federal police force, 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 the uniformed officers charged with maintaining order. 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 maintained some military characteristics and privileges, including a separate judicial system (see section 1.e.).

On February 2, the Rio de Janeiro State Ombudsman's Office released a report that showed that of 8,330 military and civilian police accused of being involved in some type of crime, only 16 were fired. Of the 8,330 police accused, none were exonerated. The ombudsman's office also reported that 15 to 20 percent of all police officers had formal complaints filed against them. Among the complaints were excessive violence, extortion, abuse of power, and not doing police work.

On December 15, in Muquico, a favela in Rio de Janeiro's Northern Zone, federal police arrested 75 military police suspected of being involving in drug trafficking, 40 of which belonged to a single crime organization. The federal police indicated that at least 450 military police were suspected of being in collusion with traffickers.

On February 7, the Organized Crime Repression Unit indicted 24 persons, including 17 law enforcement officers, for their involvement in the "Slot Machine Mafia" in the West Zone of Sao Paulo city.

On March 6, the army occupied nine Rio de Janeiro favelas with more than 1,500 armed soldiers in search of stolen arms; a 16-year-old boy was killed in the crossfire. By March 12, citizens organized protests claiming excessive use of force.

In August the first of 11 military policeman accused of participating in the March 2005 massacre of 29 persons was convicted and sentenced to 543 years in prison (see section 1.a). The massacre was seen as a response to a government initiative "Dagger in the Flesh" to address police corruption and killings. In October a military policeman cooperating with the investigation was shot to death; police suspected that other officers killed him in an attempt to intimidate public attorneys investigating this case.

Arrest and Detention.—With the exception of arrests of suspects caught in the act, 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.

Although warrants generally were based on sufficient evidence and issued by a judge, the NGOs MNDH and GJ reported that, at times, warrants were issued arbitrarily, depending on the judge and the region of the country. GJ also reported that, in Rio de Janeiro and Sao Paulo states, public and NGOs pressure caused many judges to stop issuing "collective" search and arrest warrants that permitted the police to search entire neighborhoods in poor areas.

The 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 five 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 five days for paperwork processing. Preventive detention for an initial period of 15 days is permitted if the 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.

In criminal cases 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 could 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, and if indigent, to one 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 17 complaints of extortion, compared with 23 complaints during the same period in 2005.

As of June the Ministry of Justice reported that nationwide 102,958 of 371,482 detainees in prisons and jails awaited sentencing. An additional 60,792 were detained in jails. The law provides for a maximum number of days for pretrial detention, but the period was usually extended because of individual circumstances.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was underfunded, inefficient, and often subject to intimidation and political and economic influences, particularly at the state level, a situation that occasioned vigilante action (see section 1.a.). 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 from the date of the crime, 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 (see section 1.a.).

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. Any 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 had to provide a public defender or private attorney at public expense. In February the National Council of Justice (CNJ) requested that the President restructure the public defender system, which had only 111 positions when its workload required 1,200.

A report by the CNJ in February showed that the average number of cases per state judge nationwide was more than 3,000, but in Sao Paulo State the number was more than 9,000.

There continued to be numerous credible reports of state police officials' involvement in intimidation and killing of witnesses involved in testifying against police officials (see section 1.a.).

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 the civilian courts received very few case referrals involving police killings. The special police courts are separate from the courts-martial of the armed forces, except for the final appeals court. There were few convictions in these courts. Police were reluctant to investigate fellow officers (see section 1.d.).

Police officers accused of crimes less serious than willful murder are prosecuted in special military tribunals. Civilian courts have jurisdiction over police murder, but the requirement that the initial investigation be carried out by police internal affairs officers increased the potential for long-languishing investigations (see section 1.e.). The police themselves were often responsible for investigating charges of torture carried out by fellow police officers. The problem remained most pervasive at the state level. Long delays in the special military police courts allowed many

cases of torture and lesser charges to expire due to statutes of limitations (see section 1.e.).

Political Prisoners and Detainees.—There were no reports of political prisoners, although the Landless Movement (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 could be 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 the police conducted searches without a warrant. NGOS and human rights groups, such as AI, reported frequent incidents of violent police invasions in favelas and poor neighborhoods. During these operations the 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.

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.

On October 31, Veja magazine accused the federal police of intimidating three of its journalists during testimony regarding leaks of restricted information regarding federal investigations. Federal police officials denied any intimidation or coercion against the journalists. An editorial in the newspaper Folha, titled "Truculence Is Back," criticized the "campaign to intimidate the free press and hamper the right of information".

On November 8, journalist and newspaper editor Fausto Brites was sentenced by the state court in Mato Grosso do Sul to 10 years in prison for defamation. The charges were brought against him by Governor-elect Andre Puccinelli for accusations of corruption as mayor of Campo Grande. Brites appealed to a federal court, and the appeal 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 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 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 seek permission from the National Indian Foundation (FUNAI) for entry into indigenous lands.

Societal Abuses and Discrimination.—According to the country's Israeli Confederation, there were approximately 160,000 members of the Jewish community: 35,000 in Rio de Janeiro City, 29,000 in Sao Paulo City, and smaller communities in Porto Alegre, Bahia, Belem, and Manaus. During the year there were signs of increasing violence against Jews. Leaders in the Jewish community expressed concern over the continued appearance of anti-Semitic graffiti, harassment, vandalism, and threats via telephone and e-mail.

In May 2005 four skinheads were arrested and charged with attempted murder, gang formation, and racism for attacking three Jewish students in Porto Alegre, Rio Grande do Sul State. During the investigations, the police identified a second group, with fascist orientation that participated in the attacks. Eventually, an additional 10 persons were arrested and charged with three crimes: attempted homicide, gang formation, and racism; one person under the age of 17 also was arrested. Testimony on their case began in May, but at year's end no trial had been scheduled.

In March an anti-Semitic Web site, which had been closed by the Federal Public Ministry in April 2005, reopened. The site recorded more than 100,000 hits per month in the country and remained open for the duration of the year.

On August 5, approximately six persons threw stones and two home-made bombs at the synagogue of the Sociedade Israelita Brasileira Beth Jacob in Campinas (60 miles north of Sao Paulo), damaging the main entrance. Neighbors responded and extinguished the resulting fire. The attackers also painted "Lebanon, the true Holocaust" on the sidewalk outside. The case remained open at the end of the year with no suspects.

Media reported that a Sao Paulo Jewish community leader received death threats in late July; police provided him personal protection. As was the case in the August 5 synagogue attack, both incidents appeared to be in reaction to the July-August conflict involving Israel and Lebanon.

Thirteen neo-Nazi group members, arrested in October 2005 on charges of attempted murder and racism offenses, remained under preventive detention in Curitiba.

The investigation in the 2004 defacing of the Congregation Beth Jacob synagogue in Campinas, Sao Paulo State, was closed during the year due to insufficient evidence.

On April 24, Amair "Tato" Feijoli da Cunha, the middleman involved in the killing of Catholic nun Dorothy Mae Stang, who worked as an advocate for landless persons in Para State, was convicted and sentenced to 18 years in prison (see section 1.a.).

For a more detailed discussion, see the 2006 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, although there were restrictions on entry into protected indigenous areas.

On September 29, authorities confiscated the passports of two U.S. citizens, airplane pilots Joe Lepore and Jan Paladino, following a plane crash. This sparked international condemnation by pilot associations. Neither pilot had been charged with a crime or permitted to leave the country for 71 days. Later a federal appellate court overturned a lower court decision and ordered the passports returned. The pilots returned to the United States on December 9.

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 UN 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 they feared persecution. The Government granted refugee status or asylum and resettled 3,271 refugees during the year. However, according to the National Committee for Refugees (CONARE), approximately 200,000 immigrants lived clandestinely in the country, mostly in the Amazon. Although these 200,000 were considered illegal immigrants, a significant number of them had been displaced by conflicts, such as the FARC in Columbia or difficulties in their countries of origin.

The Government also 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 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 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 29 national elections, PT candidate Luiz Inacio Lula da Silva won a second four-year term with almost 61 percent of the vote in the second-round runoff. The elections were considered generally free and fair. Election observers from nine countries and two international organizations observed first-round voting on October 1. Election observers from six countries and one international organization observed second-round voting on October 29.

Women have full political rights. There were 10 women in the 81-member Senate and 45 women in the 513-seat Chamber of Deputies. There were four women in the cabinet and one on the Supreme Court.

There were 25 Afro-Brazilians among the 594 members of Congress. There were three members of minorities in the cabinet and one on the Federal Supreme Court.

Government Corruption and Transparency.—Ethical behavior of public figures continued to be a major issue during the year. The NGO Transparency International's index indicated a serious and deteriorating perceived corruption problem.

Corruption scandals involving alleged kickbacks and abuse of power at the Ministry of Health, Senate, and Chamber of Deputies affected the Government during the year. A congressional inquiry of taking kickbacks accused 69 federal deputies and three senators. On September 25, federal police indicted a former health minister on corruption charges. Senior members of the President's re-election campaign with close ties to the President resigned or were fired in mid-September over their involvement in an attempt to purchase and disseminate a dossier of ostensibly damaging information about a political opponent, and a congressional committee and the Superior Electoral Tribunal opened investigations that continued until year's end. President Lula spoke publicly against corruption in government.

In February in Para State, former state judge Ana Tereza Sereni Murrieta was sentenced to 12 years in prison, pending appeal, for diverting judicial account money from 157 accounts in the amount of $1.4 million (three million reais).

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 Attitude 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 (see section 1.c.), some NGOs and human rights observers questioned their independence and effectiveness. The ombudsmen's accomplishments varied dramatically, depending on such factors as funding and outside political pressure.

The Chamber of Deputies also has a human rights commission 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.—The law prohibits domestic violence, and the Government took steps that specifically addressed violence against women and spousal abuse. Domestic violence remained both widespread and underreported; on August 7, President Lula signed the "Law of Domestic and Family Violence." The law triples previous punishments for those convicted of such crimes and also creates special courts in all states to preside over these cases. It is also the first official codification of domestic violence crimes.

UN Special Rapporteur Leandro Despouy noted a tendency to blame the victims of these offenses. According to government officials and NGO workers, the majority of criminal complaints regarding domestic violence were suspended inconclusively.

The Government acted to combat violence against women. Each state secretariat for public security operated delegacias da mulher (DEAM). These police stations are dedicated exclusively to addressing crimes against women. The quality of services varied widely, and availability was particularly limited in isolated areas. The stations provided psychological counseling, temporary shelter, 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. According to the Ministry of Justice, while many of the DEAMs fell far short of standards and lacked strategies to protect victims after the reports were filed, they nevertheless served to raise public awareness of crimes against women.

In July the first DEAM in Rio de Janeiro reported that it registered 22 complaints daily. The DEAM noticed an increase in violent cases reported from 5,169 in 2001 to 8,049 in 2005. In March the Women's Station in the Federal District reported

4,561 violent cases reported in 2005, representing a 12.5 percent increase from the year before. During the year, the DEAMs registered a total of 16,564 complaints in the city of Rio de Janeiro. Edna Araujo, Chief and Coordinator for Police Affairs, reported that the large increase in comparison to 2005 was due to the increase in number of new DEAMs opened during the year.

On January 31, hundreds of women in Recife demonstrated, protesting against violence against women. More than 36 women were killed in the city during January.

The city of Rio de Janeiro, through its Favela Bairro program, offered temporary housing to women and children who were victims of sex-related crimes.

The federal government continued to operate a toll-free hotline to address complaints of violence against women. The law requires health facilities to contact the police regarding cases in which a woman was harmed physically, sexually, or psychologically.

Rape, including spousal rape, is a crime punishable by eight to 10 years' imprisonment; however, men who killed, sexually assaulted, or committed other crimes against women were unlikely to be brought to trial.

While adult prostitution is legal, 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 states of Pernambuco, Espirito Santo, Amazonas and Parana and the Federal District enacted laws requiring certain businesses to display signs listing the penalties for having intercourse with a minor. Rio de Janeiro and Bahia states had previously enacted 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 (see section 5, Trafficking).

Sexual harassment is a criminal offense, punishable by up to two years in jail. 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 legislation exists and was enforced, accusations remained rare, and the extent of the problem was not documented.

Women enjoy the same legal rights as men. A cabinet-level office, the Secretariat for Women's Affairs, oversees a special secretariat that has responsibility to ensure 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. On November 21, the World Economic Forum released a study indicating that the country had virtually eradicated gender differences in education and health treatment but that women still lagged behind in salaries and political influence. According to the Labor and Employment Ministry, women were paid 30 percent less than men. In 2005 UN Special Rapporteur Despouy noted a strikingly low level of women's representation in the judicial system, where women occupied "only 5 percent of the top posts in the judiciary and the Public Prosecutor's Office."

The law provides 120 days of paid maternity leave to women and seven days 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 for employers of up to two years, 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 six and under receive free daycare and schooling, which is also free and compulsory between the ages of seven and 14. On February 6, President Lula approved legislation changing the duration of obligatory primary education from eight years to nine years by 2010. Between the ages of 15 and 17 education is free but not compulsory. Schooling was available in all parts of the country, although not every school had space for every child who wanted to attend. Girls and boys attended school in comparable numbers, although a UN Children's Fund (UNICEF) report indicated that a higher percentage of boys than of girls were not in school.

While it recorded generally high vaccination and immunization rates for one-year-olds, UNICEF noted that the child mortality rate (at 29 per 1,000 live births) remained "disproportional to national production capacity and available technology." According to Human Rights Watch, girls often lacked basic medical care and had fewer opportunities than boys to receive exercise, recreation, and participate in

other activities. NGOs believed that the actual mortality rate was much higher in poorer areas due to this registration problem.

While the law prohibits subjecting any child or adolescent to any form of negligence or abuse, such abuse was a major problem. According to the Special Secretariat for Human Rights' Infancy and Adolescence Information System, physical and psychological aggression was a major problem, with more than 29,000 complaints recorded in this category. Allegations of abuse of minors and prosecution of crimes against children were not pursued adequately or aggressively. In February 2005 UN Special Rapporteur Despouy reported "a strong sense of impunity for crimes against children and young persons," mainly in the areas of death squad killings and sexual exploitation and abuse.

The legal minimum age for marriage of men and women is 18; those 16 and 17 can marry with parental consent. Underage marriage was not a significant problem.

Extreme poverty was the primary contributor to child prostitution. On March 20, an investigation was released 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 majority of these cases occurred in the Northeast (31 percent of cases nationwide), but all areas of the country had reported incidents.

In May the Human Rights Commission of the Chamber of Deputies denounced a child prostitution network in Para State with involvement of two aldermen of the area, Roberto Alan de Souza Costa and Adson de Azevedo Mesquita. Also suspect was the son of the mayor of Portel, Roberto Lobato da Cruz. The commission recommended their removal from public office. There are accusations by the local chapter of the national bar association that the police were complicit. A formal trial was pending.

During the year there were 248 cases of sexual abuse cases involving minors in Pernambuco State. According to the National Secretariat for Human Rights, other states recorded the following number of reports of sexual abuse during the year: Sao Paulo, 487; Rio de Janeiro, 348; Rio Grande do Sul, 249; and Minas Gerais, 407.

On February 21, federal police participated in an international operation involving 30 countries aimed at disrupting pedophilia on the Internet.

At year's end Anderson Luis Juliano Borges Costa, who was arrested in July 2005 in Volta Redonda, Rio de Janeiro State, on charges of sexually abusing more than 20 children, remained in jail pending trial.

On October 26, Franciso Chagas, thought to be the country's worst serial killer, was sentenced to 20 years in prison for killing one of 42 boys. Police arrested Chagas in 2003 on charges of molesting, murdering, and mutilating the boys in the northwestern states of Maranhao and Para.

Trafficking in children for the purpose of prostitution was a serious problem (see section 5, Trafficking).

Child labor remained a problem (see section 6.d.).

A July 2005 study by the Institute of Applied Economic Policy reported that more than 100,000 children and adolescents were living in public shelters. The leading causes for displaced children were poverty, abandonment, domestic violence, and drug abuse by parents or guardians. The IPEA report also revealed that in more than half of the cases, children were living in shelters due to the parent's belief that the child would receive better care there than at home.

The city of Rio de Janeiro operated 38 shelters and group homes for street children. The Sao Paulo City government runs several programs for street children, including a number of shelters for minors and the Sentinel Program, which identifies at-risk youth and provides social services, counseling, and shelter. The primary program to assist child victims of commercial sexual exploitation is the Sentinel Program, which establishes local reference centers to provide victims with psychological, social, and legal services, and raises awareness through informational campaigns, workshops, and partnerships

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 the UN Office on Drugs and Crime (UNODC) 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 federal police disrupted an international transvestite trafficking ring recruiting out of 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,

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 International Labor Organization (ILO), an estimated 25,000 victims, mostly men, were trafficked within the country or forced into agricultural labor. Union leaders claimed that nearly all persons working as forced laborers had been trafficked by labor recruiters (see section 6.c.). 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 the recruits long distances to ranches and plantations in remote areas in the central part of the country. Most internally trafficked slave laborers originated from Maranhao and Piaui states, while Para and Mato Grosso states 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 such major tourist destinations as Rio de Janeiro and Fortaleza, Ceara, as well as in the popular fishing areas of the Patanal and Amazon.

According to the Reference Center on Children and Adolescents (CECRIA), 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 trafficked them outside the country. A study by the University of Brasilia found that 398 of the 1,514 tourist destinations frequented by citizens had an active sexual commercial market for children and adolescents.

Child prostitution also developed in the areas served by the country's navigable rivers, particularly in ports and at international borders. NGOs estimated that approximately 500,000 children were involved in prostitution.

CECRIA found that the 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 falsified documents.

Police officials believed that some women who were recruited by trafficking organizations understood that they were to work as prostitutes, but they 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 and arms trafficking and money laundering.

The law establishes a penalty of up to eight years' imprisonment 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 the 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 limitations of the statutes. According to the National Secretariat of Justice, seven individuals were sentenced for trafficking in persons during the year; however, through one single process in Rio Grande do Norte a trafficking gang of 14 persons

were convicted as follows: two persons for international and internal trafficking in persons, five for internal trafficking in persons, and the other seven for related crimes such as money laundering and criminal association.

Federal police launched six operations to curb international trafficking, which resulted in the arrest of 38 individuals for international trafficking in persons. In June the Civil Police launched "Operation Navalha na Carne" in the state of Paranμ, which resulted in the arrest of 20 persons for sexual exploitation of children and adolescents, 12 of these being officers of the civil police.

In March federal police worked with Swiss authorities in Operation "Taro" breaking a route that had trafficked approximately 300 women from Minas Gerais to work as sex slaves in Switzerland. The federal police stated that the women had been given false promises and had been forced to prostitute themselves for 16 to 18 hours per day. Many were violently abused, and some were sold to other Swiss brothels.

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 from testifying against traffickers. In addition, "trafficking in persons" is a new legal concept, and courts often misclassified such cases. As a result of these factors, numbers of convictions were low.

In October an appeals court reduced the fine imposed in February 2005 on Federal Senator Joao Ribero for forcing 38 workers to live in slave-like conditions; the fine was reduced from $341,000 (730,000 reais) to $35,500 (76,000 reais).

While trafficking victims were not treated as criminals, access to support services was limited due to a lack of government support. No statistics were available concerning the number of victims in shelters. Police usually referred victims to centers for treatment and counseling.

Several government programs assisted victims of trafficking, although 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 Ministry of Social Assistance operated more than 400 centers to assist victims of sexual abuse and exploitation and domestic violence. NGOs provided victim 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 witness protection program overseen by the Office of Legal Assistance for Grassroots Organizations, an NGO working in coordination with government authorities. Although the program operated in all states, lack of resources limited its effectiveness.

The National 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 this situation. A number of local unions instructed laborers to register with them and the police before leaving with a labor recruiter.

There was no new information regarding the case of 12 persons charged in 2004 with participating in a sex trafficking ring in Fortaleza, Ceara State.

The 2004 Federal District court case against the former speaker of the Federal District's legislative chamber, Benicio Tavares, on charges of forced prostitution and sexual exploitation of minors was reviewed by the Ethics Commission of the Brazilian House of Representatives on March 23. The commission decided not to take action. The trial remained pending at the end of the year.

Government authorities responsible for combating trafficking included various agencies of the Ministry of Justice (including the federal police), the Special Human Rights Secretariat, the Ministry of Labor and Employment, the Ministry of Tourism, and the Ministry of Social Assistance. The federal highway police were responsible for checking documents and monitoring movement along highways and roads; occasionally they were involved in apprehending suspected traffickers. Federal and state police monitored the Internet to detect on-line recruitment by sex traffickers. Operating under the National Justice Secretariat trafficking offices in Sao Paulo, Rio de Janeiro, Ceara, and Goias states monitored domestic and international trafficking.

During the year the Ministry for Agrarian Development reported that from 1995–2006 the Government had rescued almost 21,000 slave laborers. More than 15,000 were rescued between 2003 and the end of the year. The report also indicated that through 2005, these workers received $10.2 million (21.9 million reais) in indemnities from their former captors, $8.6 million (18.5 million reais) of which was paid from 2003–05. During the year, however, only 3,252 were rescued and $2.8 million (six million reais) was paid as indemnities, according to the Ministry of Labor and Employment (MTE).

On February 7, the Regional Tribunal of Labor of Maranhao charged Federal Deputy Inocencio Oliveira with a second count of keeping slave laborers. He was sentenced to pay $61 (130 reais) per day per exploited worker from when the workers were found in 2002.

On August 2, the Labor Ministry released its "dirty list" containing 178 names of persons that exploited labor, including Federal Senator Joao Ribeiro, convicted of maintaining forced labor, and landowner Vitalmiro Bastos de Moura, accused of ordering the killing of American nun Dorothy Stang (see section 1.a.).

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 do not have programs to enforce these provisions effectively. During the year, however, the pharmaceutical industry in Sao Paulo State identified positions that could be filled by persons with disabilities and partnered with individuals who could be trained to fill these positions by 2008.

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, had primary responsibility for promoting the rights of persons with disabilities.

While 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, such persons had difficulty in securing necessary accommodations.

There were 237 psychiatric hospitals with more than 48,000 patients in the country. In 2005 the Municipality of Rio had 39,321 patients in psychiatric facilities, but most facilities lacked beds, medicines, and staff. In one facility two psychiatrists were responsible for 83 patients.

National/Racial/Ethnic Minorities.—Although the law prohibits racial discrimination, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

The law specifically prohibits, among other practices, 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 45 percent of the population, were significantly and pervasively 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. The UN Special Rapporteur on the Judiciary noted in 2005 that persons of African descent occupied less than 1 percent of the senior posts in the judiciary and the Public Prosecutor's Office.

There was also a sizeable racial education gap. According to the Education Ministry, 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, Bahia, and the Federal District of Brasilia 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. During the year the Palmares Foundation noted that more than 30 universities had voluntarily implemented a quota system.

In October the Health Minister Agenor Avares acknowledged clear signs of discriminatory practices within the national health system.

During the year Afro-Brazilians made up 56 percent of the prison population.

On November 18, the OAS Human Rights Committee criticized the failure to prosecute a woman who advertised a domestic work position with an ad clearly stating that "white" candidates would be given preference. Domestic worker Simone Andre Diniz reportedly applied for the job and was turned down for not being white, and

when she brought the case before the police in 1997, it was filed away without being prosecuted.

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 still existed, the Government made limited progress in securing these rights.

The country has an indigenous population close to 460,000 persons belonging to 225 "nations." The Government estimated that more than half of 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. The National Foundation of the Indigenous (FUNAI) reported that indigenous people faced many problems, including disease and poor health care, loss of native culture, and recurring incursions as well as illegal mining and extraction activities on indigenous lands. In addition threats also came from road construction and deforestation.

In April FUNAI hosted in Brasilia the first National Conference on Indigenous Peoples. More than 800 indigenous persons representing more than 220 indigenous groups attended with proposals from delegates to create a new indigenous policy in a democratic forum. The conference participants offered 1,300 proposals; primary among these was the proposal for the Government to create a ministry of indigenous peoples headed by an indigenous person that could centralize actions on education, health, agricultural questions, culture, and sustainable development. The Missionary Indigenous Council (CIMI) criticized the event claiming that several participants were connected with government organizations and that professional organizations dealing with indigenous issues were not invited.

Indigenous leaders and activists complained that indigenous persons 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. This sometimes culminated in clashes between indigenous persons and nonindigenous persons.

CIMI reported that there were 40 indigenous persons killed during the year, 20 of whom were killed in Mato Grosso do Sul State, where there indigenous lands are not fully demarcated and there are frequent conflicts between cattle ranchers/farmers and indigenous peoples. However, approximately half of these killings were internal (an indigenous person killing another indigenous person) versus external disputes. CIMI believed that the living conditions and government-imposed proximity play a role in the internal killings.

The Marcal de Souza Center of Human Rights (MSCDH) said the health services provided by the National Foundation of Health (FUNASA) and FUNAI were effective and significantly improved the situation among indigenous children in Mato Grosso do Sul State, where FUNASA accredited three nearby hospitals to treat indigenous patients, and the Government provided additional funds to local hospitals serving the local indigenous population. In May 2005, after an on-site investigation at the indigenous reserve of Dourados, Mato Grosso do Sul State, a government commission issued a report with 52 health-related recommendations to various government entities.

In response to a 2005 government study reporting unacceptably high infant mortality indices among the indigenous population, on February 15, FUNASA provided $24.2 million (52 million reais) for health services to indigenous persons. Also in March FUNASA held a major conference to discuss indigenous health issues.

The 1988 constitution charged the federal government with demarcating indigenous areas within five years. The complete process includes four phases: identification, declaration, approval, and registration. According to FUNAI, by year's end 398 of the 611 recognized indigenous areas had reached the final registration stage, 90 were in one of the four phases of the registration process, and 123 had yet to be processed. Identified indigenous territory constituted 12.5 percent of the national territory. However, CIMI stated that FUNAI's data failed to recognize other legitimate indigenous groups; CIMI claimed that the Government denied status to 200 such indigenous groups.

The law provides indigenous people with the exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but only if the Congress approves each case. The Government administered the lands but was obliged to 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.

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 acknowledged a lack of resources to

protect indigenous lands from encroachment, and it depended on the understaffed and poorly equipped federal police for law enforcement on indigenous lands. However, on July 7, in response to previous complaints, the federal police cooperated with FUNAI and IBAMA to remove illegal workers from Kayapo lands in Para State.

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.

Two years after the 2004 killings of 32 prospectors by Cinta-Larga Indians for illegal trespass on the Roosevelt Reserve, the Ministry of Justice admitted that there were 300 engaged in illegal mining during the year.

On October 17, Xikrin Indians occupied the Valley of Rio Doce Company (CVRD) Carajas iron mine in Para State for four days, preventing the production of 500,000 tons of iron ore. Armed with clubs, bows, and arrows, the Xikrin demanded money and improvements to local infrastructure from the company, including housing for tribal members. FUNAI said CVRD had not fulfilled a renegotiation agreement with the indigenous group, a claim that CVRD denied. On October 31, CVRD stated that it would not pay its annual contribution towards social welfare benefits for the indigenous community. They rescinded payment, citing the $4.2 million (9.2 million reais) as compensation e for lost revenues caused by recent invasions. CVRD declared that the state, not the private sector, was responsible for the welfare of indigenous groups. In early November CVRD denounced the Government at the OAS for lacking public policies to protect indigenous populations, attributing recent invasions in Para, Maranhao, and Minas Gerais to government inaction. The President of FUNAI, however, reported that CRVD realized they had no case and decided to continue its payments and subsequently dropped the action at the end of the year.

Land invasions by indigenous groups continued and sometimes resulted in violence and killings. On July 1, Guarani-Kaiowa tribal members attempted to invade the Cristal farm near Dourados, Mato Grosso do Sul State, and briefly held two FUNAI mediators hostage.

In late 2005 federal police forcibly moved 400 members of the 1,115-member Guarani-Kaiowa tribe to a smaller area of the Nade Ru Marangatu reserve after a Supreme Court injunction prevented the land from becoming federally protected. Many tribal members were forced to build shelters on the side of roadways since the relocation area was too small to accommodate the group. Before the eviction, the tribe had complained of constant threats from local cattle ranchers. The situation continued at the end of the year.

In December 2005 private security guard Joao Carlos Gimenes was indicted for the December 2005 killing of Dorvalino Rocha, a member of the Guarani-Kaiowa tribe, on a ranch near Antonio Joao, Mato Grosso do Sul State. In January the federal police concluded their investigation, but at year's end Carlos Gimenes was free on bail pending trial.

In March Mayor Joao Rodrigues of Chapeco, Santa Catarina, was charged with racism against indigenous people on the grounds that his municipal program used defamatory language and that he abused his authority by improperly using the police against indigenous persons. He was sentenced to pay a fine and offer community services to the indigenous community.

According to FUNAI, only 2,500 of the approximately 400,000 indigenous persons attended college. FUNAI also reported that 60 percent of all indigenous students were obliged to abandon studies due to lack of financial resources. Some universities, such as the University of Brasilia, increased reserved spots in their universities as part of their affirmative action programs for indigenous people.

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, as there was a history of societal violence against homosexuals.

The Secretariat of State Security in Rio de Janeiro State in partnership with NGOs operated a hot line and offered professional counseling services to victims of antihomosexual crimes.

According to the NGO Bahian Gay Group, 81 homicides of homosexuals were reported between January and July, compared with 63 killed during the same period in 2005.

There were incidents of violent attacks against homosexuals carried out by neo-Nazi groups in the southern part of the country. In March and April a group or groups of neo-Nazi skinheads attacked several homosexuals in the Jardim Paulista neighborhood of metropolitan Sao Paulo.

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 Ministry of Labor and Employment (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 Confederation of Free Trade Unions 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 Worker's Central (CUT) estimated that between 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 fully their labor rights. 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 CPT reported that violence in rural areas victimized labor leaders, with the perpetrators enjoying relative impunity (see section 1.a.). The CPT reported that 10 rural labor leaders were killed during the year and 266 received death threats in 2005.

Although 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, 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 six years for resolution. Parties generally agreed that, when ultimately resolved, cases were decided fairly and on their merits, although there was been a trend for courts to rule against employees claiming that union membership was not a factor. Although most complaints were resolved in the first hearing, the appeals process introduced many delays, and some cases remained unresolved for five 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 workers (except for the military, military police, and firefighters) with the right to strike, 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 (see section 6.a.).

The MST, which had approximately 100,000 members of unemployed farm workers, was extremely active in invading farms across the country as well as organizing protests, many of which resulted in major property damage. In March the MST destroyed a laboratory in Para State and confiscated goods from trucks after blocking highways. Most of their activities were in Pernambuco State, where by March there had been 36 land occupations on farms and on highways usually involving hundreds to thousands of persons, effectively shutting down operations.

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 (see section 5), 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 to work in the north and central west of the country, but women and children, typically working with their parents, also were engaged in activities such as charcoal production.

The law provides that violators of forced or compulsory labor may be sentenced up to eight 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. On November 30, the Supreme Court decided that all slave/forced labor cases fall under the jurisdiction of federal courts. This decision required that all slave/forced labor cases pending in state or local courts were to be transferred to federal courts immediately.

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. Since violators of forced labor laws enjoyed virtual impunity from criminal prosecution, the Government used fines and other disincentives to penalize violators. The Government withholds credit to landowners using forced labor.

The law also allows the Government, after compensating the landowner, to seize lands on which forced labor has been found and to distribute the property in the Government's land reform program.

Labor intermediaries (gatos) trafficked most forced laborers to the remote estates where they worked. At the worksite, laborers 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.

On February 8, the hydroelectric company Sao Francisco in Ceara State paid $16,300 (35,000 reais) to 24 persons discovered working in slave-like conditions by the Public Labor Ministry.

In December the Labor Ministry released a list of 170 employers accused of keeping their workforce in conditions analogous to slave labor. Para State led with 35.5 percent of these employers, 42 of whom were formally charged. The Para Federal Public Ministry adjudicated 26 criminal actions during the year.

In August 800 persons were found working for evangelical pastors in slave-like conditions in Minas Gerais State. Pastors Cicero Vicente Araujo and Edmilson Pereira da Silva, who formed the Jesus Church in 1998, convinced these "followers" to relinquish their worldly possessions, work for free, and offer all proceeds to the two leaders. These "followers" were told that they would receive free food and clothing in exchange for field labor.

In April near Rio de Janeiro City, Labor Ministry inspectors found approximately 20 unregistered employees living and working in degrading conditions. They were working 12-hour days, seven days per week, for the Telecom Network, contracted by Telsul, a subsidiary of Telemar. According to the workers, they had not been paid since December 2005. The Labor Ministry investigation was ongoing at year's end. Workers explained that expenses to pay for necessities such as food and medicine made it impossible for them to return to their homes in other cities and forced them into wage slavery.

In August 431 cane workers, working for less than minimum wage and living in slave-like conditions, were returned to their countries of origin by the Labor Ministry. The workers had been housed in animal stalls, without proper toilet and sanitary facilities, and not provided with sufficient food. They were forced to work hours that significantly exceeded the standard work-day and not provided with the necessary protective equipment

In February a federal judge ordered an indemnity payment of $1.3 million (2.8 million reais) to 54 forced labor workers rescued in 2003 in Rondonia State.

In February 2005 the Attorney General's labor office uncovered slave labor conditions pertaining to 70 workers employed in the construction of a government building north of Rio de Janeiro City. Judicial proceedings against the two construction companies remained pending at the end of the year.

In August the labor ministry returned to their countries of origin 431 cane workers in Bauru, Sao Paulo State, who were working for less than minimum wage and living in degrading conditions. The ministry characterized the work as slave labor because several workers were housed in unsanitary animal stalls, without proper toilet/sanitary facilities, and without personal protective equipment and without sufficient food. In addition daily working hours significantly exceeded standard working hours. These workers lacked money to return to their homes and were trapped in this work environment.

The National Commission to Eradicate Slave Labor (CONATRAE) coordinated the Government's efforts to eliminate forced labor. The group'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 always 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 (see section 1.a.).

A series of three articles by the Bloomberg News Service in November and December reported on the use of slave/forced labor to produce charcoal used in the pig iron production process. Although this generated media attention, the Ministry of Labor pointed out that only 16 percent of slave labor occurred in this sector, compared with 64 percent in cattle raising and 20 percent in agriculture.

On December 7, federal police raided a poor settlement in Goias State and arrested landowners suspected of environmental crimes and labor abuse in making charcoal from illegally felled timber from protected areas. There was no official report available on the number arrested.

The ILO Project to Combat Forced Labor, in the country assisted in the development of the National Plan to Combat Forced Labor; established a data base to consolidate and analyze trafficking in persons and forced labor information, and provided technical assistance to government agencies, including to the Ministry of Labor's Special Group for Mobile Inspection teams.

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 from employment in nocturnal, unhealthy, dangerous, or morally harmful conditions; however, the 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. Nonetheless, the ILO office in Brazil estimated that there were five million child laborers between the ages of five and 17. 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.

A report of the Institute for Work and Society Studies identified 69 main rural and urban activities in which children worked. Common rural activities included: harvesting corn, manioc, and other crops; fishing; mining; raising livestock; and producing charcoal. In urban areas children worked in shoe shining, domestic services, transportation, construction, restaurants, street peddling, begging, drug trafficking, and prostitution (see section 5). 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 dismemberment, 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 to have employers desist from labor law violations before levying fines of $188 (402 reais) per violation up to a maximum

of fine of $944 (2,013 reais); for a second or third violation the fine doubles or triples respectively. As a result, few employers were fined for employing children.

The Labor Inspection Secretariat reported that between January and August 2006, a total of 8,326 children and adolescents were removed from exploitive labor situations. MTE inspectors often worked closely with labor prosecutors from the Public Ministry of Labor (MPT)—an independent agency responsible for prosecuting labor infractions—which had broader powers and was able to impose larger fines. The MPT has a national commission to fight child labor. The commission included 50 prosecutors and focused on strategic areas including sexual exploitation, trash collecting, apprenticeships, and work in a family setting. The commission included 50 prosecutors and focused on strategic areas including sexual exploitation, trash collecting, apprenticeships, domestic labor, drug trafficking. Brazil's National Commission to Eradicate Child Labor (CONAETI) developed the 2004–2007 National Plan to Eradicate Child Labor and proposed a series of legal reforms to help bring national laws into full compliance with the conventions.

The Ministry of Social Development coordinated the National Forum for the Eradication of Child Labor (FNPETI), which provided cash stipends to low-income families who kept their children in school and out of work. Because the public school day lasts only four hours, the FNPETI emphasized complementary educational activities for children during nonschool hours as an alternative to working. According to the Ministry and data from the UN Development Program (UNDP), one million children benefited from this program in 2005, and UNDP projections for the year estimated that 2.2 million children benefited. Approximately 569,000 children benefited from this program. This contributed to a 51 percent decline in child labor from 1995 to 2005.

To prevent child labor and promote education, the Government continued to promote its family stipend program, Bolsa Familia, which provides approximately seven dollars to $44 (15 to 95 reais) monthly to low-income families for each child (up to a total of three children per family) between the ages of six and 15 whose school attendance rate was 85 percent or above. Municipal governments had primary responsibility for day-to-day management of the program. The Institute of Geography and Statistics (IBGE) demonstrated that the program provided stipends to more than eight million families (15.6 percent of all families) or almost 39 million persons. In addition to the federal program, an estimated 100 municipal governments operated stipend programs. However, in May IBGE released data showing that 72 million persons had a low to moderate level of food security.

NGOs supported the Government's child labor elimination programs. For example, the National Forum for the Prevention and Eradication of Child Labor, with chapters in every state and more than 40 institutional members from the Government and private sector, promoted debate and broad analysis of national child labor prevention efforts. In addition the Centers for the Defense of Children and Adolescents were active in many parts of the country and reported violations of children's rights. The Pro-Child Institute in Sao Paulo State coordinated a labeling program to reduce instances of child labor in the footwear industry.

The private sector also played a role in fighting 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. The foundation also fostered initiatives through its awards programs for organizations, journalists, and mayors. All major labor centrals implemented 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 national minimum wage did not provide a decent standard of living for a worker and family. The Government adjusts the minimum wage annually and in April raised it from approximately to $140 to $163 (300 to 350 reais) per month, an increase of more than 13 percent in real terms. Over the last four years, the Government has increased the real value of the minimum wage by 25 percent. The Intersindical Statistic and Socio-economic Studies Department estimated that approximately one in three workers earned the minimum wage or less.

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.

Although the Ministry of Labor sets occupational, health, and safety standards that are consistent with internationally recognized norms, the Government devoted insufficient resources for adequate inspection and enforcement of these standards. Unsafe working conditions were prevalent throughout the country. There were no

figures available on workplace 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.

According to the Ministry of Social Security, during 2005 there were 491,711 workplace accidents, a 5.5 percent increase from the previous year, although the number of deaths from accidents decreased by 4.8 percent to 2,708 from the previous year.

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. Such firings occurred, however, and legal recourse usually required years for a resolution. The MPT 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.

On January 17, a 17-year-old male was found suffocated on a farm belonging to Celso Manica, the brother of two men accused of ordering the killing of a labor inspector in (see section 1.a.). The young man was allegedly suffocated in a grain transfer process in a soy silo near Unai. An inspection by the local labor ministry resulted in 32 safety violations.

CANADA

Canada, with a population of 32.8 million, is a constitutional monarchy with a federal parliamentary form of government. In free and fair federal elections held on January 23, 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.

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 no known developments in an investigation opened by the Royal Canadian Mounted Police (RCMP) in September 2005 concerning allegations of brutality in the arrest and imprisonment of an indigenous man in the Natuashish community of northern Labrador.

The Winnipeg police and the Law Enforcement Review Agency investigations of allegations of physical abuse of a person arrested in 2004 remained pending at year's end.

Prison and Detention Center Conditions.—Prison conditions generally met international standards. The Government permitted visits by independent human rights observers, and such visits occurred 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 RCMP is an effective national, federal, provincial, and municipal policing body that reports to the Ministry of Public Safety and Emergency Preparedness. It provides federal police service throughout the country and also provides police services under contract to the three territories, eight provinces (Quebec and Ontario have their own provincial police), approximately 198 municipalities, and 192 indigenous communities. The RCMP, provincial, and local police forces have internal review mechanisms; corruption and impunity were not problems.

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 judicial determination of the legality of the detention; to timely information as to the reason for the arrest; to a lawyer of his or her choice and, if indigent, to one provided by the state; and to prompt access to family members. Bail generally was available.

In June the Supreme Court heard arguments on an appeal of a 2004 Federal Court of Appeal ruling that it was constitutional for the Government to arrest and detain indefinitely noncitizens who pose a threat to national security; the court's decision was pending at year's end. Such cases are presented in secret to two cabinet ministers by intelligence or police agencies and then reviewed by a federal judge. The evidence generally is not shown to the detained individual. If the judge approves the ministers' recommendation, the individual may be imprisoned indefinitely, pending deportation proceedings. In November a suspected Russian intelligence officer was detained pursuant to this procedure and deported the following month. At year's end, three individuals were incarcerated awaiting deportation, and three other detainees had been conditionally released, subject to the administrative deportation process.

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.

The court system is divided into federal and provincial courts, which handle both civil and criminal matters. The highest federal court is the Supreme Court, which exercises general appellate jurisdiction and advises on federal constitutional matters.

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. An attorney is provided 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 have access to government-held evidence relevant to their cases. Defendants also enjoy a presumption of innocence and have a right of appeal.

With passage of the Ontario Family Statute Law Amendment Act on February 23, all family law arbitration became subject to civil law, ending civil enforcement of religious arbitration decisions, which had been permitted in Ontario under the 1991 Ontario Arbitration Act.

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. Human rights violations may be heard by the provincial or federal human rights commissions. Remedies can be monetary, declaratory, or injunctive. In general there were no 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.

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, which is the country's bill of rights incorporated in the country's constitution.

In October an Ontario Superior Court justice struck down three measures of the Security of Information Act (SOIA) and admonished the RCMP for abusing its power in a case that arose in 2004 when the police raided the home and office of an Ottawa Citizen journalist in what they stated was an effort to determine the source

of sensitive and classified information involving a story the journalist wrote about terrorism-related activities. Lawyers for the reporter and newspaper brought a motion to court to seal the confiscated items and quash the search warrants, stating that they were unconstitutional. The lawyers argued the SOIA does not define the term "secret" and that SOIA provisions criminalizing possession of "secret" government information without authorization were too broad-thus permitting the Government to intimidate and arrest any reporter found possessing leaked government documents. The judge agreed and struck down the provisions. In her ruling, the judge also stated the RCMP abused the process by threatening to charge the journalist if she did not reveal her source, ordered the RCMP to return the material seized, and ordered the Government to pay the newspaper's legal costs.

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 8, a Saskatchewan court set aside a July 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 charges stemmed from remarks made in a 2002 public address to the Federation of Saskatchewan Indian Nations. On June 19, the Saskatchewan Justice Department announced its plans to appeal the decision to the Saskatchewan Court of Appeal.

There were no developments concerning a Quebec City radio station's appeal to the Supreme Court of a September 2005 Federal Court of Appeal decision that upheld denial of the station's broadcasting license. The general public had filed numerous complaints alleging that announcers on the station used offensive comments, personal attacks, and harassment as part of its programming. The station remained on the air pending a Supreme Court ruling on whether to hear the case.

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 could engage in the peaceful expression of views via the Internet, including by electronic 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. In March the tribunal issued a ruling finding that messages posted through a Web hosting service constituted hate under the Human Rights Act. The tribunal ordered the respondents to stop posting hate messages on the Internet and to pay a $7,135 (Cdn $8,000) penalty.

In July a federal court jailed a white supremacist for nine months for contempt of court for continuing to post hate messages on the Internet. In late 2005 the federal court ordered him to stop his Internet postings pending resolution of a complaint against him by the Human Rights Commission. In April the tribunal ruled against the individual and fined him $5,384 (Cdn $6,000).

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.

In March the Supreme Court ruled in favor of a Sikh elementary school student who had been prohibited from wearing his kirpan (ceremonial dagger) to school. The rationale for the prohibition involved security concerns rather than religious discrimination. The Supreme Court, however, upheld a lower court ruling that required the kirpan to be worn under the clothes and sewn into a sheath.

In September and October 2005, a Sikh law student was twice prohibited from riding on national rail carrier trains because he was wearing a kirpan. The carrier's baggage policy bans weapons and makes no exceptions for religious symbols. There were no developments in the student's pending appeal to the Ontario Human Rights Commission for redress.

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 was Jewish. The B'nai Brith Canada League for Human Rights received 829 reports of anti-Semitic incidents in 2005, a 3.3 percent decrease from 2004. The highest number of reports came from Ontario Province (544 incidents, 418 of which took place in the greater Toronto area), followed by Quebec Province (133 incidents, 127 of which took place in Montreal); approximately 80 percent of the Jewish population resided in these two provinces. B'nai Brith reported significant regional increases in reports received in British Columbia, Alberta, Saskatchewan, and the maritime provinces, whereas both Montreal and Winnipeg showed significant decreases. The 829 reports included 531 cases of harassment, 273 cases of vandalism, and 25 cases of violence; 167 cases of these cases involved attacks on synagogues, Jewish homes, or communal buildings. Jewish students reported 48 cases of anti-Semitic incidents that occurred on campus, and another 48 involved school settings. The B'nai Brith League also noted a marked increase in Web-based hate, with 161 reports, including 34 cases of targeted hate by e-mail. There were no known developments in the provincial police investigation of a December 2005 incident in which the Beth Shalom Synagogue in Edmonton was spray-painted with a swastika and the acronym ZOG (Zionist Occupied government).

On June 8, a Saskatchewan court set aside a July 2005 Saskatoon court decision 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 (see section 2.a.).

On June 27, a Manitoba court sentenced three individuals to prison terms ranging from two years minus one day to three years for the arson destruction of a 105-year-old church; the court also levied one million dollars (C$1.2 million) against the three as restitution. The individuals, followers of a Norwegian musician jailed for a 1993 murder and for the destruction of several churches in Europe, set the church ablaze on February 12, the Norwegian convict's birthday.

In September a masked perpetrator threw a Molotov cocktail at an Orthodox Jewish boys' school in Montreal. The school sustained limited fire damage and some water damage from the automatic sprinkler system. Since the perpetrator did not leave behind any message or graffiti, the police undertook an arson probe rather than a hate crime investigation; the Canadian Jewish Congress urged the police to treat it as a hate crime.

In September at the start of Ramadan, an arsonist set fire to an Islamic school in Ottawa. No injuries were reported, but the school sustained damaged to its exterior and roof. Since the perpetrator(s) did not leave behind any message or graffiti, the police undertook an arson probe rather than a hate crime investigation; the Council on American-Islamic Relations Canada urged the police to treat it is a hate crime.

Following the June 2 arrests of 17 individuals with Middle Eastern and South Asian surnames in the Toronto area on alleged terrorism charges, several anti-Muslim incidents occurred in various locations, including Montreal and Toronto. On June 9, an individual with a knife threatened an imam outside his mosque in Montreal, leading to the arrest of the alleged attacker. Police charged the individual with armed assault, uttering threats, and possession of a dangerous weapon; the suspect was released on bail while the investigation continued. On June 3, vandals broke windows and damaged cars parked at the Rexdale mosque in northwest Toronto. Police classified the attack as a hate crime and continued their search for the perpetrators while increasing patrols at all mosques in the city to prevent further vandalism. Muslim and non-Muslim community leaders and government officials were among those who urged calm and referred to the acts as "motivated by politics and hatred, not by any religion or faith."

The Government urged the population to refrain from prejudice against Jews, Muslims, or other persons on the basis of their religious beliefs, ethnic heritage, or cultural differences. 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 federally regulated. 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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has established a system for providing protection to refugees, granted refugee status or asylum, and cooperated with the Office of the UN High Commissioner for Refugees 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 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 exists. Two other remedies of last resort are available through Citizenship and Immigration-Canada. They include the initiation of a "pre-removal risk assessment" process as well as an appeal to the minister for citizenship and immigration services 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 on January 23, 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, formed a minority government.

Following the January election, there were 64 women and five indigenous persons in the 308-member House of Commons. There were 34 women and seven indigenous members in the 105-seat Senate (whose members are appointed by the Government). Women held six seats in the 27-person cabinet. The governor general and four of the nine members of the Supreme Court, including the chief justice, were women.

Government Corruption and Transparency.—The nongovernmental organization (NGO) Transparency International reported that corruption was not considered a problem.

There were isolated reports of government corruption during the year, and there was concern about the lack of enforcement of whistleblower legislation. The authorities removed from office and prosecuted career civil servants found to be engaged in malfeasance of any kind.

In November 2005 an independent commission appointed by the Prime Minister, the Commission of Inquiry into the Sponsorship Program and Advertising Activities (known as the Gomery Commission), released the first part of its two-part report. The report established that advertising agencies, many allied with the Quebec branch of the federal Liberal Party, received in commissions and fees nearly half of the federal funds authorized to promote federal Canada in Quebec from 1996 to 2001, and that up to $87 million (Cdn $100 million) was inappropriately channeled to the Liberal Party.

On February 1, the Gomery Commission released the second part of its report, which focused on recommendations to restore accountability in government. The commission noted that there was a general lack of transparency concerning government spending at all levels, and its recommendations focused on restoring the balance of power between Parliament and the executive branch to attain better accountability within government. The Gomery Commission findings prompted extensive media coverage, tarnished the reputation of the Government, especially in Quebec, and led to the conviction of three persons for defrauding the Government.

The law permits public access to government information by 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 Attitude 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 September 18, a government commission of inquiry released a report on government actions relating to a dual Canadian-Syrian citizen, Maher Arar, who claimed he was tortured while in Syrian custody after he was deported there by the United States in 2002. While the commission of inquiry found no evidence of government participation in the decision to detain or deport Arar, it concluded that the RCMP provided inaccurate information that very likely may have contributed to those decisions. The commission also recognized that it did not have access to all the information available to the United States. The commission's report included recommendations to prevent a similar occurrence and a review of RCMP practices.

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.

A July 2005 law extended equal access to civil marriage to same-sex couples.

Women.—Although prohibited by law, violence against women, including spousal abuse, remained a problem. The Government's statistical office reported that there were 73.7 sexual assaults per 100,000 persons in 2004, down from 74.1 in 2003, while the 2004 homicide rate related to domestic violence was 0.71 per 100,000 couples.

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 five 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.

The 2004 General Social Survey estimated that 7 percent of citizens 15 years of age or over in a current, previous, or common-law union experienced spousal violence in the previous five years. Approximately 4 percent of men and women in current marital or common-law relationships experienced physical or sexual violence committed by their partner. Indigenous (aboriginal) people were three times more likely to be victims of spousal violence than nonindigenous people. The rate of spousal violence among those who were gay or lesbian was twice that of the reported violence experienced by heterosexuals. Women were more likely than men to report that they were injured as a result of the violence (44 percent compared with 18 percent).

There were more than 500 shelters for abused women, which provided both emergency care and long-term assistance. The Government's family violence initiative involving 12 departments and a cabinet ministry, Status of Women Canada, was charged with eliminating systemic violence against women and advancing women's human rights.

The Amnesty International 2006 Report noted that there were continuing high levels of discrimination and violence against indigenous women and criticized officials for failing to advance a national strategy. The report specifically pointed out that police responses to threats against indigenous women's lives were inconsistent and inadequate.

Prostitution is legal, but the law prohibits pimping (benefiting from the earnings of prostitution of another) and operating, being found in, or working in a brothel.

Women were trafficked for purposes of sexual exploitation (see section 5, Trafficking).

The law prohibits criminal harassment (stalking) and makes it punishable by up to 10 years' imprisonment. The law does not contain a specific offense of "sexual harassment" but contains criminal prohibitions that may be applicable in addressing this conduct, such as criminal harassment and sexual assault. Penalties for sexual assault vary, depending on the offense, and range 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. According to Statistics Canada, 67 percent of women were employed in the workforce in April. Employment equity laws and regulations cover federal employees in all but the security and defense services. Women have marriage and property rights 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 UN 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.

According to the 2004 General Social Survey, children and youth under the age of 18 accounted for 21 percent of victims of physical assault and 61 percent of victims of sexual assault, while representing 21 percent of the population. In 40 percent of the cases, parents were the ones accused of sexual assault against children and youth.

Children were trafficked for purposes of sexual exploitation (see section 5, Trafficking).

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country.

The criminal code makes trafficking in persons a specific criminal offense and prohibits global 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 $870,000 (one million Canadian dollars) for convicted cross-border traffickers. The Government prosecutes all forms of trafficking, including kidnapping, forcible confinement, uttering threats, sexual assault, prostitution-related offenses, and extortion.

In April 2005 Vancouver police brought the first case under IRPA against the owner of a massage parlor whom they charged with two counts of human trafficking for bringing women into the country under false pretenses and coercing them into prostitution. There were no new developments in this case, which remained pending at year's end.

The Government has an interdepartmental working group, consisting of 17 departments and agencies and co-chaired by senior officials from the Ministries of Justice and Foreign Affairs, to combat trafficking in persons.

Through agencies such as Interpol, the Government created mechanisms to assist other countries with criminal investigations of trafficking cases and cooperated with law enforcement authorities in neighboring and source countries.

The country is a source, transit point, and destination for men, women, and children trafficked for the purposes of labor and sexual exploitation. In 2004 the RCMP estimated that 600 to 800 persons were trafficked into the country annually and that an additional 1,500 to 2,200 persons were trafficked through the country into the United States. Women and children were trafficked from Africa, Central and South America, Eastern Europe, and Asia for sexual exploitation. Most trafficking victims come from source countries in Asia, including South Korea, Thailand, Cambodia, Malaysia, and Vietnam. On a lesser scale, men, women, and children were trafficked for forced labor. Some Canadian girls and women were trafficked internally for commercial sexual exploitation.

Vancouver and Toronto served as hubs for organized crime groups that trafficked 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.

In May the Government issued guidelines that defined the status of trafficking victims and offered avenues for victims assistance. Under these guidelines officials may grant a temporary residence permit of 120 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 120-day period, immigration officials determine whether a longer residency period of up to three years may be warranted. Nonetheless, NGOs reported anecdotal evidence that some victims of trafficking were arrested and deported. The RCMP implemented a law enforcement training program to sensitize officers about trafficking realities, to help identify potential trafficking victims, and to 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, including psychological and social counseling. In addition, they are able to access a number of other programs and services such as legal assistance. Finally, victims of trafficking are eligible to apply for assistance from victims' assistance funds maintained by the provincial governments.

The Government's Interdepartmental Working Group on Trafficking in Persons, the policy development body for the federal government, 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 Gov-

ernment 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.

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, English speakers in Quebec (9 percent of the province's population) and French speakers in other parts of the country generally lived and worked in the language of the majority. The provinces may grant French or English the status of an official language. 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. Minority language rights are secured by law in Quebec's Charter of the French Language.

The Charter of the French Language restricts access to publicly funded English education to those 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 access English language schools by obtaining a waiver.

In June the Prime Minister offered a full apology for the head tax imposed on Chinese immigrants who entered the country between 1885 and 1923, and Newfoundland until 1949. In addition, the estimated 20 Chinese-Canadians from this group or their spouses still living were promised a $17,853 (Cdn $20,000) ex gratia payment. The Government undertook to establish two other funds worth approximately $30.3 million (Cdn $34 million) for community projects and education programs.

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, 22.9 percent; Northwest Territories, 50.5 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 on some reserves. 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 historical 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, was linked closely to legal challenges, including 45 Supreme Court decisions.

In February aboriginal protesters took over a construction site in southern Ontario on disputed land claimed by the Six Nations of the Grand River reserve. The dispute originated from an agreement in the 1840s in which the Six Nations claims that it leased the land to the provincial government. The provincial government, however, claimed the land was purchased and eventually resold. Protesters ignored a court injunction ordering them to vacate the site, and Ontario authorities did not enforce it. In June the Ontario government announced it had purchased the disputed land from the developer but its fate remained uncertain. The dispute and occupation continued at year's end; on several occasions protesters and local residents resorted to violence, although no one was killed or seriously injured.

In April the Government reached an agreement to compensate 80,000 aboriginals who attended government-financed residential schools where many suffered physical

and sexual abuse. Negotiators representing the Government, aboriginal peoples, and several churches that ran the schools agreed that nearly $1.8 billion (Cdn $2 billion) would be paid out in damages. Payments were scheduled to begin in 2007 but may be accelerated for the elderly and the sick. The agreement allotted payments of about $17,853 (Cdn $20,000) to each of the 80,000 former students. An additional $107 million (Cdn $120 million) will be allotted to a foundation to promote traditional native healing therapies and to establish a truth and reconciliation commission to hear testimony from victims and possibly perpetrators.

The annual report of the Government's corrections ombudsman, released in October, charged that the federal government discriminated against aboriginal prisoners by putting a disproportionate number in maximum-security penitentiaries and segregation, keeping them jailed longer, and failing to provide proper programs to help them readjust to society after release. The report noted that aboriginal people make up only 2.7 percent of the country's population but accounted for 18.5 percent of the federal prison population. The ombudsman attributed the higher rate of recidivism in part to the Correctional Service's failure to manage aboriginal inmates in a culturally responsive and non-discriminatory manner.

In 2005 the Government agreed with five national indigenous organizations to commit $4.96 billion ($Cdn 5.7 billion) over five years to support programs in such areas as education, housing, and health care; however, in May the new government budgeted only a portion of the amount pledged for 2007–08.

In August a court in Ontario ordered a mining exploration company to suspend its exploration activities after an aboriginal group claimed the exploration area lay on disputed land and that the community was never adequately consulted on the project. The judge stressed that indigenous people must be consulted and their views accommodated in any plans that could affect their land claims.

The Government continued the process of claim settlements and self-government negotiations with more than 350 First Nations communities.

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. 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 (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor legislation varies from province to province. The federal government does not employ youths under age 17 while school is in session. Most provinces prohibited children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. The province of Alberta allows children age 12 to 14 to work in certain sectors for limited periods of time without a permit from the director of employment standards. British Columbia permits employment of children between age 12 and 14, with the written consent of the child's parent or guardian, and also permits employment of children under age 12, with the permission of the director of employment standards and only in "exceptional circumstances," for instance, in the entertainment industry.

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 $5.88 to $7.46 (Cdn $6.50 to Cdn $8.25) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage did not provide a decent standard of living for a worker and family. In 2005 a family of four with a before-tax income of $28,749 (C$32,345) would have been living below the poverty line.

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. There is no specific prohibi-

tion 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 January voters elected Michelle Bachelet of the Socialist Party as President in a free and fair runoff election. In December 2005 voters also elected 20 of the 38 senators and all 120 members of the Chamber of Deputies; these elections were also 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. Authorities failed to advise detainees promptly of charges against them and to grant them a timely hearing. Domestic violence against women and children was widespread. There were isolated incidents of trafficking in persons to, from, and within the country. Some indigenous people were marginalized, particularly in rural areas, and suffered some forms of discrimination. Many children were employed in the informal economy.

The judiciary convicted and sentenced several former officials for human rights abuses committed during the 1973–90 military regime. Before his death on December 10, former military dictator Augusto Pinochet faced charges for human rights violations from 1973 to 1990 and for allegedly illegal financial dealings during and following that period.

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 March 2005 the Chamber of Deputies approved a $1.5 million (780 million pesos) payment to the family of dual Chilean-Spanish citizen Carmelo Soria, who was executed by National Intelligence Directorate (DINA) agents in 1976. Senate action was pending at year's end.

At the time of his death on December 10, former military dictator Augusto Pinochet was under investigation or indictment in at least six cases involving extrajudicial executions, kidnapping, and torture dating from the military government of 1973–89. However, Pinochet was never brought to trial or convicted on human rights charges.

In November the Rancagua Appeals Court ordered Judge Raul Mera to continue investigations in the 1988 killings of Raul Pellegrini and Cecilia Magni. Pellegrini and Magni were Manuel Rodriguez Patriotic Front activists killed in apparent reprisal for an attack on a local police barracks. The court upheld Judge Mera's decision to delay filing charges against two suspects, and the case remained pending at year's end.

Judge Alejandro Solis concluded an investigation of the 1974 car bomb assassination in Buenos Aires of former army commander Carlos Prats in August. Seven former DINA agents, including former DINA director Manuel Contreras, and one civilian have been indicted in the case. At the end of the year, 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.

Judge Jorge Zepeda's investigation of retired security officer Rafael Gonzales, charged in connection with the 1973 killing of U.S. citizen Charles Horman, remained pending at year's end.

In March Judge Victor Montiglio filed murder charges against 13 former army officers and amended charges against six others from aggravated kidnapping to murder in the 1973 "Caravan of Death" case. The defendants were temporarily taken into custody, then released on bail. In November Judge Montiglio charged five other

former officers, including former dictator Augusto Pinochet, with two additional killings in this case. The case 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 an ongoing crime, not covered by amnesty, unless the subsequent execution of the subject could be established concretely by identification of remains. The Supreme Court upheld a number of convictions based on indefinite or permanent kidnapping.

The judiciary continued to investigate human rights abuses committed by the former military government and, in several cases, passed sentence on those found guilty. According to the Interior Ministry, as of October there were 361 active court cases involving 485 former officials (mostly military officials but including some civilians). By year's end 126 individuals had been convicted and sentenced for human rights violations during the Pinochet regime.

Judge Jorge Zepeda continued investigations of military-era detentions and disappearances of persons at Colonia Dignidad, now called Villa Baviera, a German-speaking settlement 240 miles south of Santiago. Settlement founder Paul Schaefer, indicted in 2005 for his involvement in four kidnappings under the former military regime, was sentenced to seven years in prison on weapons charges in August and faced multiple counts of child molestation. Several of Schaefer's associates, including Gerard Muecke, were jailed and remained under investigation for possible human rights violations at Colonia Dignidad.

The investigation into the 1985 disappearance of U.S. citizen Boris Weisfeiler near Colonia Dignidad remained open at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law 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.).

Prison and Detention Center Conditions.—Prison conditions generally were poor. Prisons often were overcrowded and antiquated, with substandard sanitary conditions. In November there were approximately 43,500 prisoners in prisons designed to hold 28,700 inmates. Prisons in the Santiago Metropolitan Region were at nearly double capacity. The 2006 Diego Portales University School of Law study on prison conditions reiterated that prison services such as health care remained substandard. Prison food met minimal nutritional needs, and prisoners were able to supplement their diets by buying food. Those with sufficient funds often could "rent" space in a better wing of the prison.

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources in the prisons. In December prison officials reported that deaths by preventable causes increased to 46 in 2005 (compared with 24 in 2004) and continued to increase during the year. As of October 13, 38 inmates had been killed by other prisoners, and 16 inmates had committed suicide.

A study by the public defender's office in seven of 13 regions reported that during 2005, 59 percent of prisoners claimed to have been victims of abuse or attacks. In 34 percent of reported abuse cases, the alleged offenders were prison officials. Seventeen percent of prisoners reported receiving physical punishment, and 6 percent of prisoners described their physical punishment as "torture."

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 and particularly were concerned with the treatment of prisoners in maximum security prisons. Prisoners with HIV/AIDS and mental disabilities allegedly failed to receive adequate medical attention.

During the year one court case alleging physical abuse or negligence was filed against prison officials. Of the eight court cases filed in 2005, two officials had been absolved; charges were dropped in another case; and one official convicted for abuse received a suspended sentence, a two-month suspension, and was fined $700 (364,000 pesos) plus court costs. Judicial action in the remaining cases continued at year's end. As of August, courts had not substantiated any of the 29 complaints alleging abuse or negligence that were filed during the year. The Gendarmeria also conducted administrative investigations into all allegations of abuse.

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 27,000-member Carabinero force, under operational control of the Ministries of Defense and Interior, has primary responsibility for public order, safety, traffic control, and border security. The PICH, comprising approximately 3,500 detectives, is responsible for criminal investigations and immigration control. While under the operational jurisdiction of the Ministry of Interior, the PICH also receives guidance from the prosecutor or judge in a criminal investigation. The Gendarmeria, with approximately 620 officials and 8,520 corrections officers, operated the national prison system under jurisdiction of the Ministry of Justice. The police force experienced a low incidence of corruption. Police, prison guards, and officials took courses in human rights, which are part of the core curriculum in the police and military academies.

Arrest and Detention.—Only public officials expressly authorized by law can arrest or detain citizens. The authorities must advise the courts within 48 hours of the arrest and place the detainee at a judge's disposition. No one can be held or detained except in their home or a jail, prison, or other public facility designed for that purpose.

While the authorities generally respected constitutional provisions for arrest and detention, detainees often were not advised promptly of charges against them nor granted a timely hearing before a judge. However, judicial reforms that took effect in June 2005 improved performance, and during the year more than 80 percent of cases were resolved within the designated period. The law allows civilian and military courts to order detention for up to five days without arraignment and to extend the detention of alleged terrorists for up to 10 days. The law allows judges to set bail. Provisional liberty must be granted unless a judge decides that detention is 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.

The law requires that police inform detainees of their rights and expedite notification of the detention to family members. The law also prohibits police from demanding identification from or stopping persons based solely on suspicion, and it prohibits physical abuse by police against detained persons (see section 1.c.).

The President is authorized to grant amnesty to prisoners and typically grants amnesty to a limited number of prisoners each year on humanitarian grounds.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision 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 12 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.

If formal charges are filed in civilian courts against a member of the military (including the Carabineros), the military prosecutor can ask for jurisdiction, which the Supreme Court occasionally granted. This was particularly significant in human rights cases from the period covered by the Amnesty Law, since military courts were more likely to grant amnesty without a full investigation. Military courts have the authority to charge and try civilians for terrorist acts, defamation of military personnel, and sedition. Persons arrested during demonstrations for assaulting a police officer also are brought before military tribunals.

Civilians prosecuted in military courts have the same legal protections as those prosecuted in civilian courts. They are entitled to counsel, the charges are public, the sentencing guidelines are the same (with the exception that the death penalty can be imposed in a military court but not in a civilian court), and the Supreme Court ultimately may hear appeals. A military prosecutor formulates charges and

conducts the investigation, and the first instance of appeal is in a court-martial, composed of two civilian and three military judges.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees, although a number of inmates in Santiago's maximum security prison charged with terrorist acts following the return to democracy in 1989 claimed to be political prisoners. In July 2005 the Senate approved a law allowing prisoners convicted on terrorism charges to apply for parole; 32 prisoners were eligible to apply under the provisions, but there was no report on how many were released on parole.

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 yet to affect the civil justice system, which was characterized by antiquated and inefficient procedures. Courts were overwhelmed by more than 800,000 new cases each year. The average civil trial lasts more than five years, and civil suits could continue for decades. Additionally, only 8 percent of lawsuits result in a definitive sentence or court-imposed settlement. Of the rest, 90 percent are eventually resolved through mediation outside the courts or settlement between the parties.

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, 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 may be appealed to the Supreme Court (see section 1.e.). Media organizations and individuals can also be sued for libel.

The law prohibits the surreptitious recording of private conversations.

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.

The broadcast media generally were independent of direct government influence. The Television Nacional 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.

The government-funded National Television Council (CNT) was responsible for ensuring that television programming "respects the moral and cultural values of the nation." The CNT's principal role was 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 electronic 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 chatrooms 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 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.

Religious organizations were required to register with the Ministry of Interior in order to enjoy religious nonprofit status and provide certain religious services, such as marriage ceremonies.

Although the law grants non-Catholic religions the right to have chaplains in public hospitals, prisons, and military units, some leaders of the country's Protestant churches (accounting for more than 15 percent of the population) noted a reluctance to name Protestant chaplains in the armed forces and obstacles to pastoral visits at military hospitals. Hospitals and prisons outside the military system, however, provided good access to evangelicals as well as other minority religious denominations.

While schools were required to offer religious education twice a week through middle school, enrollment in such classes was optional. The law mandates teaching the creed requested by parents, but enforcement was sometimes lax. Instruction was almost exclusively Roman Catholic.

In September 2005 the Supreme Court sustained a government challenge to the registration of the Unification Church as a religious nonprofit organization. Since then, the Unification Church continued to operate under a more limited private nonprofit status.

Societal Abuses and Discrimination.—There were isolated reports of anti-Semitic incidents, including spray-painted graffiti of swastikas and derogatory comments directed at Jewish individuals. The Jewish community was estimated at approximately 21,000 persons.

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. Identified neo-Nazis have been dismissed from the armed forces and Carabineros, and the Government closed a neo-Nazi newspaper in 2005.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. During the year, 850 persons residing in the country had recognized refugee status. The Government also provided temporary protection to approximately 450 individuals applying for status as refugees under the 1951 Convention and the 1967 Protocol. These individuals were eligible for government-funded health care and education while awaiting adjudication of their cases and were financially supported by the UN 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 held on the basis of universal suffrage.

Elections and Political Participation.—In January 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 December 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.

There were 15 women in the 120-seat Chamber of Deputies, two women in the 48-seat Senate, and 10 women in the 18-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 in March. As a result of her policy of "gender parity," women filled nearly 50 percent of governmental appointments. However, women continued to be vast-

ly underrepresented among elected officials, constituting, for instance, only 12 percent of municipal mayors.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year. Transparency International's annual corruption index recorded that the public perceived the country as relatively free of corruption.

In December 2005 the mayor of Quillota, Luis Mella (Christian Democrat), alleged the Government's Employment Generation Program (PGE) paid political allies for work that was not performed. The Public Ministry and the comptroller then initiated parallel investigations into the potential illicit use of public funds. Although earmarked for employment programs, these resources were possibly diverted to the political campaigns of Socialist Party and Party for Democracy candidates in the Fifth Region during the 2005 congressional elections. The PGE investigations revealed that individuals paid to do public works actually spent their time campaigning for political parties.

Further investigations revealed that funds were also misused in other Fifth Region counties. Many midlevel public officials in the regional government, such as the former regional ministerial secretary of labor, were formally investigated, and several local officials were removed.

The Government took remedial steps to control public employment programs, dismantling the PGE and designating three government agencies to manage recruitment of public works employers and workers and payment of wages.

In October a government audit revealed financial irregularities in Chiledeportes, a national program to promote amateur and professional sport activities. Opposition political figures charged that the funds had been diverted into the national political campaigns of ruling party figures, while the organization's director characterized the issue as "common crime." The Government removed all 13 Chiledeportes regional directors and initiated a broad-based investigation to determine the extent and nature of potential fraud or mismanagement. Congress created an investigative committee in February, and prosecutors brought charges of tax evasion and falsification of documents against some individuals. Executive, congressional, and judicial investigations were ongoing at year's end.

The Freedom of Information Act 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 have Web pages. In 2005 the NGO Participa released the results of a far-ranging survey, which found that national and local government agencies failed to respond to 69 percent of requests for information and provided incomplete or otherwise deficient responses to 14 percent of requests.

Section 4. Governmental Attitude 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.

The Inter-American Court of Human Rights issued two rulings against the Government in September. In one case, the court ruled the application of the country's 1978 Amnesty Law in the 1973 killing of Luis Almonacid Arellano constituted denial of justice. The court further ruled that the Amnesty Law could not be applied in the Almonacid case or other cases comprising crimes against humanity for purposes of closing investigations or suspending sentence against persons convicted of those crimes. The court ordered that the Government pay Almonacid's family $10,000 for legal fees. The Government accepted the court's ruling, and at year's end Congress was considering legislation to restrict the scope of the Amnesty Law.

In the case of Claude Reyes, the court issued a ruling regarding the Government's refusal to release certain financial information about a forestry contract negotiated with a foreign investor in 1998. The contract was never finalized, and the environmentally sensitive project was terminated. However, the court ruled that the Government had violated the plaintiff's right to free speech by denying access to public information without a valid justification. The ruling called on the Government to provide all the requested information and guarantee effective access to public information in the future. The court also ordered the Government to pay the plaintiffs $10,000 in compensation for legal fees and other expenses.

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

The law prohibits discrimination based on race, color, gender, age, nationality, national origin, or social status, and the Government enforced this prohibition; however, such discrimination continued to occur.

Women.—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, 34 percent reported having suffered physical violence, and 16 percent reported psychological abuse. From January to November 2005, 76,000 cases of family violence were reported to the Carabineros; 67,913 were reported by women, 6,404 by men, and approximately 1,000 by children.

The courts frequently order counseling for those involved in intrafamily violence. At year's end there were 29 government and private centers to attend to victims of intrafamily violence. During the year the 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.

Rape, including spousal rape, is a criminal offense. Penalties for rape range from five 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 November, police received reports of 1,926 cases of rape, compared with 2,451 cases in all of 2005. 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.

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 five days in prison. Procurement or pandering is illegal and punishable under law. Inducing a minor (below age 18) to have sex in exchange for money or other favors is illegal. Punishment ranges from three to 20 years in prison and a $1,000 (520,000 pesos) fine depending on the age of the minor. A police sexual crimes brigade was specifically charged with investigating and prosecuting pedophilia and child pornography cases.

Sexual harassment generally was recognized as a problem. A 2005 law against sexual harassment provides protection and financial compensation to victims and penalizes harassment by employers or co-workers. From January through September, the Labor Directorate had received 244 complaints of sexual harassment; 205 of these cases involved harassment by a supervisor or employer. During 2005 there were 264 such complaints—254 made by women and 10 by men; 238 of these cases involved a supervisor or employer. Most of the complaints were resolved quickly, resulting in action against the harasser in 33 percent of cases.

Women enjoy the same legal rights as men, including rights under family law and property law. The quadrennial 2004 National Socio-Economic Survey suggested that the overall gender income gap remained at 33 percent, which widened to 38 percent in managerial and professional positions. Women's workforce participation rose to 42 percent. The minimum wage for domestic workers, probably the largest single category of working women, was 75 percent of the standard minimum wage (see section 6.e.). 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. The SERNAM is charged with protecting women's legal rights.

A 2005 study by Corporacion Humana and the University of Chile's Institute of Public Affairs revealed 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, 61 percent felt that women were discriminated against by the media, and 54 percent within the family.

Children.—The Government is committed to children's rights and welfare.

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 (eight years), and 61 percent had 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 2003 study by the Citizens' Peace Foundation indicated that 60 percent of children surveyed between the ages of seven and 10 had suffered some type of aggression against them or their belongings either

inside or outside their homes. A 2006 UNICEF 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 percent who reported having suffered serious physical violence (e.g., beatings, cuts, and burns).

From January to November, the Public Ministry reported 197 cases of commercial juvenile sexual exploitation, compared with 195 cases in all of 2005. Since June 2003 the Government's National Children's Service (SENAME) assisted more than 2,100 victims of commercial juvenile sexual exploitation. SENAME, the Carabineros, and PICH worked together, along 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 (see section 5, Trafficking).

Child labor in the informal economy was a problem (see section 6.d.).

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were isolated reports that persons were trafficked to, from, and within the country for the purposes of sexual exploitation and involuntary domestic servitude.

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 three 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 or under the tutelage of the perpetrator, or advantage is taken of a victim's circumstances or handicap. The law criminalizes the prostitution of children and corruption of minors, and the age of consent for sexual relations is 14. The law criminalizes obtaining sexual services from a minor in exchange for money or other considerations.

Most trafficking victims were minors trafficked internally for sexual exploitation. Within the country, victims reportedly were trafficked from rural areas to urban areas such as Santiago, Iquique, and Valparaiso. Law enforcement authorities stated that small numbers of victims were trafficked to the neighboring countries of Argentina, Peru, and Bolivia, as well as to the United States, Europe, and Asia. Victims reportedly entered the country from Peru, Argentina, Colombia, and Bolivia, although it was difficult to distinguish trafficking victims from economic migrants.

Anecdotal reports suggested that young women were the primary targets for trafficking to other countries. 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.

An antitrafficking coordinator in the Interior Ministry worked with the Public Ministry to gather information on new cases investigated and prosecuted. From May 2005 through March, 83 new cases were opened, with 50 pending active investigations and 14 prosecutions initiated by the year's end. Most trafficking-related cases dealt with commercial sexual exploitation of minors. The Public Ministry investigated 11 cases of cross-border trafficking in persons from January to November, compared with seven cases in all of 2005. 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 Ministry of Labor performed regular worksite inspections, responded to specific complaints, and maintained offices in each region and throughout the Santiago Metropolitan Region to identify potentially abusive situations and inform workers of their legal rights. The Public Ministry trained hundreds of law enforcement agents to recognize and investigate potential trafficking and trained prosecutors to prosecute cases more effectively. SERNAM raised trafficking awareness and provided information on victim's rights and the prosecution of traffickers to 100 officials and 160 civic activists in the border cities of Iquique and Arica.

The Government made substantial efforts to assist trafficking victims during the year. 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 two million dollars (1.04 billion pesos) to 16 NGOs that implement victim-assistance programs in 12 different districts. Police officials who identified child trafficking victims referred them to family courts for placement in protective custody with foster families, relatives, or shelters and put victims in contact with NGOs.

SENAME worked with 75 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; however, at least one victim was granted temporary residence to avoid returning her to potential re-victimization in her home country.

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.

In April 2005 the Government released its First National Study of Disability, which revealed that twice as many persons with disabilities were in the lower socioeconomic brackets as in the middle and upper brackets. Approximately 100,000 persons with disabilities under the age of 27 did not receive any special care or education.

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 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. A 2003 Ministry of Planning survey reported that indigenous people earned 26 percent less than nonindigenous citizens for similar work.

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.

In 2005 CONADI regularized the property titles to approximately 173,000 acres of land that were restored to 300 Aymara families in the north. However, some observers criticized a lack of transparency in CONADI's land restoration processes and favoritism of the Mapuche over other indigenous groups.

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. Many of these actions were initiated by the Coordinadora Arauco Malleco (CAM), an indigenous group that has been accused of terrorist acts.

Three CAM-related Mapuches and a non-indigenous sympathizer remained imprisoned in a 2001 arson case in which antiterrorism penalties were applied. The four initiated a hunger strike in March, demanding the terrorism convictions be voided to allow their release on parole. In April the court acquitted two other individuals of all charges, criminal and terrorist, in the same case. In September the Senate rejected a proposed law to allow the release of the four imprisoned on terrorist charges. Government-sponsored legislation which would clarify the application of the antiterrorism law remained pending at year's end.

The Government did not act on a UN special rapporteur's 2003 recommendation that there be a judicial review of cases affecting Mapuche leaders. The Government has not applied the antiterrorism law in Mapuche-related prosecutions since 2002.

The Ministry of Education provided a package of financial aid consisting of 1,200 scholarships for indigenous elementary and high school students in the Araucania Region during 2005. The Government also implemented the Indigenous Scholarship Program that benefited 36,000 low-income indigenous elementary, high school, and college students with good academic performances.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions without prior authorization, and approximately 10 percent of the total work force (estimated at 5.9 million) was unionized in more than 16,000 unions. Police and military personnel may not organize collectively. Members of unions were free to withdraw from union membership. The law prohibits closed union shops.

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. 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.

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 that is 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 such essential services 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 were prohibited. Employers must show cause and pay severance benefits if they dismiss striking workers.

Labor laws applied in the duty-free zones; there are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and there were no reports that such practices occurred. The Labor Code does not specifically prohibit forced or compulsory labor by children, and child prostitution remained a problem (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law restricts child labor, but it was a problem in the informal economy. 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; 15-year-old children may perform only light work that does not require hard physical labor or constitute a threat to health and childhood development. Additional provisions in the law protect workers under age 18 by restricting the types of work open to them (for example, they may not work in nightclubs) and by establishing special conditions of work (they may not work more than eight hours in a day). The minimum age to work in an underground mine is 21; special regulations govern the ability of 18- to 21-year-olds to work at other types of mining sites.

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 November, the Ministry of Labor imposed some form of sanctions in 93 cases involving violations of child labor laws. There were reports that children were trafficked (see section 5). A 2004 survey by the Ministry of Labor and the International Labor Organization reported that in 2003 approximately 200,000 children between the ages of five and 17 worked, and 3 percent of all children and adolescents worked under unacceptable conditions. Among working children, those between the ages of five and 14 worked an average of 18.5 hours a week, and adolescents worked an average of 39.5 hours.

In August 2005 SENAME released a report indicating that, as of September 2004, there were 1,123 cases of children and adolescents involved in the worst forms of child labor. Of this number, approximately 68 percent were boys; 75 percent were 15 years or older; and 66 percent did not attend school. Fifty-eight percent of the individuals were involved in hazardous activities such as mining or working with chemicals or toxins, 24 percent in commercial sexual exploitation, and 14 percent in illegal activities.

The Government devoted adequate 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 tripartite group (business-labor-government) to monitor progress in eradicating child labor. SENAME operated rehabilitation and reinsertion programs in 75 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 tripartite 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 percent to approximately $255 a month (135,000 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 (see section 5). The Labor Directorate, under the Ministry of Labor, was responsible for effectively enforcing minimum wage and other labor laws and regulations.

The law sets the legal workweek at six days or 45 hours. The maximum workday length is 10 hours (including two hours of overtime pay), but positions such as caretakers and domestic servants are exempt. All workers enjoy 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 two 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 42 million. On May 28, independent Presidential candidate Alvaro Uribe was reelected in elections that were considered generally free and fair. The 42-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). [.] The United Self Defense Forces of Colombia (AUC) was demobilized by August, but renegade AUC members who did not demobilize, or who demobilized but later abandoned the peace process, remained the object of military action. 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 in actions undertaken by the Government's security forces and in demobilization negotiations with the AUC. The following societal problems and governmental human rights abuses were reported during the year: unlawful and extrajudicial killings; forced disappearances; insubordinate military collaboration with criminal groups; 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.

Illegal armed groups committed the majority of human rights violations. Despite a unilateral cease-fire declared by the AUC in 2002 and a nationwide demobilization, renegade paramilitary members committed the following criminal acts and human rights abuses: political killings and kidnappings; forced disappearances; torture; interference with personal privacy and with the political system; forced displacement; suborning and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; recruitment and employment of child soldiers; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.

The FARC and ELN committed the following human rights violations: political killings; killings of off-duty members of the public security forces and local officials;

kidnappings and forced disappearances; massive forced displacements; suborning 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; harassment, intimidation, and killings of teachers and trade unionists.

During the year the Government demobilized 17,560 paramilitary members, which brought the total number demobilized since 2003 to more than 32,000 and concluded the demobilization process. Former paramilitaries who refused to demobilize were treated as common criminals. Representatives of the Government, the ELN, civil society, and international observers continued meeting to explore a possible peace process and demobilization of the ELN.

Government steps to improve the human rights and security situation showed demonstrable results. Government statistics indicated that during the year there were decreases in the homicide rate (5 percent), massacres (23 percent), kidnappings (14 percent), and forced displacement (20 percent).

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.

The Jesuit-founded Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), claimed there were at least 161 political and unlawful killings, committed by all actors, during the first six months of the year. Some NGOs, such as CINEP, attributed reports of paramilitary human rights violations directly to the Government and included paramilitary killings in their definition of "unlawful killings." The Government's Presidential Program for Human Rights reported that during the year 193 persons died in 37 massacres (defined by the Government as killings of four or more persons) committed by illegal armed groups, a 23 percent decrease from 2005.

Security forces were responsible for multiple unlawful killings.

CINEP reported that there were 92 such killings during the first six months of the year.

In conformity with the law, the military or civilian authorities investigated killings allegedly committed by security forces. Civilian courts tried a number of military personnel accused of human rights violations (see section 1.e.). Investigations of past killings proceeded, albeit slowly.

The Office of the UN High Commissioner for Human Rights (UNHCHR) expressed concern over the January 4 killings of Edimer Witer Hernandez Giraldo, Ricardo Arley Jaramillo, and John Jairo Guzman in Montebello, Antioquia. 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.

According to CINEP, on March 4, soldiers from the Fourth or 17th Brigade killed Nelly Johana Durango in San Jose de Apartado. CINEP alleged that the soldiers subsequently presented her as an enemy combatant.

The UNHCHR expressed concern over the March 9 killing of John Jairo Gomez Garces in Bello, Antioquia. According to the allegations, soldiers from the Fourth Brigade's Pedro Nel Ospina Battalion summarily executed the victim and later claimed he was killed in cross-fire with the AUC.

In May the UNHCHR requested the Government provide an explanation for 15 reports of alleged unlawful killings. Of the 15 reports, 11 involved the Fourth Brigade, one involved the 17th Brigade, one involved the Sixth Brigade, and two were unidentified. In June the UNHCHR requested the Office of the Inspector General (Procurador General) to investigate 37 cases of alleged killings of persons who had been presented as enemies killed in combat. In response to these requests, the Government subsequently identified 29 cases. 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 (Fiscal General). As of September, the Prosecutor General's Office had issued seven preventive detention orders in two of its cases.

In September the Prosecutor General's Office detained Army Major Jorge Alberto Mora Pineda, commander of the antikidnapping unit in Barranquilla, for his role in an alleged false kidnapping operation on August 14 in which members of the unit killed six persons. The Prosecutor General's Office investigated six members of the Governmental GAULA (Unified Action Groups for Personal Liberty, an entity formed to combat kidnapping and extortion) and one agent from the Department of Administrative Security (DAS).

In the February 2005 case of eight civilians killed in San Jose de Apartado, the Human Rights Unit of the Prosecutor General's Office continued collecting evidence against members of the army's 17th Brigade for their alleged involvement. However, the Prosecutor General's Office reported difficulty in collecting testimony from the members of the peace community in San Jose de Apartado, which impeded the investigation.

On February 20, the Prosecutor General's Office indicted seven members (including the commander) of the "Pantero Uno" Squad from the army's 12th Infantry Battalion ("Alfonso Manosalva Florez") for homicide and criminal conspiracy in the killings of Wilman Guillermo, Arriaga Arboleda, and Jefferson Moreno Lopez in July 2005 in Condoto, Choco.

The Prosecutor General's Office detained army soldier Miguel Angel Molina Delgado on charges of homicide and trafficking firearms owned by the armed forces, for launching a grenade into a house, which caused the death of a minor and injuries to three persons in September 2005.

In February the Prosecutor General's Human Rights Unit in Cali took over the case of the September 2005 killing of Jhonny Silva Aranguren during a protest at Valle University. The investigation remained in the preliminary stage at year's end.

In September the Prosecutor General's Office detained one officer, one noncommissioned officer, and four soldiers in the October 2005 killing of Luis Orozco and Mario Pineda in Tierralta, Cordoba. According to the Prosecutor General's Office, the soldiers originally presented the victims as insurgents killed in combat, but a subsequent investigation revealed the soldiers had summarily executed the victims. The case was pending at year's end.

In December 2005 a military penal court ruled there was no evidence of criminal wrongdoing in a 2004 "friendly fire" incident, in which two policemen killed GAULA members in Floridablanca, Santander Department.

In September the Prosecutor General's Office ordered the detention of eight soldiers for killing Juan Daza in 2004 in Atanquez, Cesar. The army had presented the victim as an insurgent killed in combat, but the prosecutor general's investigation determined the suspects summarily executed the victim.

In August the Prosecutor General's Office detained a noncommissioned officer and three soldiers for the 2003 killing of Jesus Montero in Rioseco, Cesar. The army had presented the victim as an insurgent killed in combat, but a subsequent investigation determined the soldiers summarily executed the victim.

There were also reports of security forces killing civilians during the internal armed conflict (see section 1.g.).

There was no information available regarding developments in the following killings that CINEP attributed to army units in 2005: in February, two peasants by Battalion 21 Vargas in Meta Department and two civilians by the Santander Battalion in Cesar Department and in March, three persons in Arauca Department by Second Division troops.

Both governmental and nongovernmental actors used landmines (see section 1.g.). The Government expressed its commitment to removing the remaining 31 government-controlled minefields, as the security situation permits.

There continued to be credible reports that some members of the security forces cooperated with illegal paramilitaries in violation of orders from the President and the military high command (see section 1.g.). Such collaboration often facilitated unlawful killings and sometimes may have involved direct participation in paramilitary atrocities.

Impunity for military personnel who collaborated with members of renegade paramilitary groups remained a problem (see section 1.g.).

Renegade paramilitary members committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or lacking a strong government presence (see section 1.g.).

Guerrillas, particularly the FARC, committed unlawful killings. Guerrillas killed teachers, journalists, religious leaders, union members, human rights activists, candidates for public office, elected officials and other politicians, alleged paramilitary collaborators, and members of the Government security forces (see section 1.g.).

Other terrorist groups also carried out attacks (see section 1.g.).

b. Disappearance.—Forced disappearances, many of them politically motivated, continued to occur. CINEP reported 73 victims of forced disappearance during the first six months of the year, an increase of 23 percent compared with the same period in 2005.

Although continuing to decline in frequency, kidnapping, both for ransom and for political reasons, remained a serious problem. According to the Presidential Program for Human Rights, there were 687 kidnappings during the year, compared with 800 in 2005. The Government's National Fund for the Defense of Personal Lib-

erty (Fondolibertad) reported 282 kidnappings for extortion (defined as kidnapping to obtain a benefit, utility, act, or omission) during the year, compared with 377 in 2005.

GAULA and other elements of the security forces freed 138 hostages during the year. However, Fondolibertad reported that at least 20 kidnap victims died in captivity during the year, compared with 17 in 2005.

Renegade paramilitaries, the FARC, and the ELN continued the practice of kidnapping. There were numerous reports that guerrillas killed kidnapping victims (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 (see section 1.e.). CINEP asserted that, as of June, government security forces were involved in 40 incidents of torture, a 50 percent increase compared with the first six months of 2005. CINEP also reported that during the first six months of the year there were 32 victims of torture by the armed forces. On January 25, a group of soldiers allegedly tortured army conscripts at a training center in Tolima. The Prosecutor General's Office investigated five officers, nine noncommissioned officers, and one soldier in the case and placed six of them in preventive detention. They were all under indictment.

CINEP reported that on February 1, soldiers assigned to the 40th Battalion Heroes de Santuario tortured Mario Varela in Puerto Rico, Meta Department.

In February CINEP alleged that army soldiers tortured William Alberto Idagarra Agueirre in Arauquita, Arauca Department.

A judgment was pending in the civilian judicial system against three police officers for the 2002 torture and killing of Edison Watsein in Medellin, Antioquia Department.

CINEP reported that demobilized paramilitaries were responsible for at least 20 cases of torture as of June. For example, CINEP stated that paramilitaries tortured and killed Carlos Arciniegas of the Colombian Communist Party, who disappeared in December 2005.

The Human Rights Unit of the Prosecutor General's Office reported it was investigating one case of torture that was attributed to an ex-paramilitary.

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 139 national prisons and is responsible for inspecting municipal jails. Although part of the Ministry of Interior and Justice, INPEC has an independent budget and administrative decentralization.

Many of INPEC's 14,000 prison guards and administrative staff were poorly trained, and overcrowding, lack of security, corruption, and an insufficient budget continued to be serious problems. As of July more than 62,000 prisoners were held in space designed to accommodate fewer than 52,000, an overcrowding rate of nearly 18 percent, an improvement compared with nearly 40 percent overcrowding in 2005. In five institutions the number of prisoners was more than twice the design capacity, and in Itagui's penitentiary, more than 5,000 prisoners lived in a space designed for 2,000. The Committee in Solidarity with Political Prisoners (CSPP) noted a continued decrease in corruption resulting from improved training, increased supervision, and more accountability for prison guards.

Budget problems affected prisons in many ways. At Combita Prison lack of money to pay sanitation fees led to water rationing. An October report by the Inspector General's Office on Combita Prison found violations of health standards, such as lack of potable water and a proliferation of insects and rodents. During the year INPEC spent approximately two dollars (4,990 pesos) per day on each inmate for food. Private sources continued to supplement many prisoners' food. CSPP reported that there were up to 1,200 patients per doctor in some institutions.

INPEC reported that from January 1 to August 31, there were nine violent deaths among inmates that were related to fighting and riots. From January to August, there were 11 riots at various institutions, which were sparked principally by inmates' internal fights; demands regarding working rights, food, and health care; and rebellion against prison discipline. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. There was no information available on prosecutions.

Pretrial detainees were held with convicted prisoners.

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 (see section 1.g.).

d. Arbitrary Arrest or Detention.—Although the law prohibits arbitrary arrest and detention, there were 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 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. On limited occasions the army also provided support in guarding prisons. During the year the Human Rights Unit of the Prosecutor General's Office issued preventive detention orders for 66 members of the armed forces for human rights violations or paramilitary collaboration. However, impunity continued to be widespread due to a lack of resources for investigations, protection for witnesses and investigators, coordination between government entities, and in some cases obstruction of justice. Between January and October, the Ministry of Defense relieved 147 members of the armed forces from duty for inefficiency, unethical conduct, corruption, and reasonable doubt 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, a member of the Technical Investigative Unit who accompanies military units may issue such warrants.

Law enforcement authorities must promptly inform suspects of the reasons for the 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.

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. Suspects 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. For its part, CINEP reported that security forces arbitrarily detained 223 persons during the first six months of the year, compared with 321 in the comparable period of 2005. 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 terrorist insurgents. For example, CINEP reported the following incidents:

On February 6, soldiers from the army's 53rd Counterinsurgency Battalion detained former city councilman from the Union Patriota political party in Vista Hermosa, Meta Department.

On February 13, army soldiers arbitrarily detained 12 peasants in Puerto Asis, Putumayo Department. Reportedly two of those detained had previously criticized military misconduct in the area.

In June the army's 39th Sumapaz Battalion arbitrarily detained Edilberto Proveda, the President of the SINTRAPAZ trade union outside Bogota.

The Government and prominent local NGOs frequently disagreed on what constitutes "arbitrary" detention. While the Government characterized detentions based on compliance with legal formalities, NGOs typically applied other criteria, such as arrests based on tips from informants about people allegedly linked to guerrilla activities; detentions by members of the security forces without a judicial order; detentions allegedly based on administrative authority; detentions during military operations; large-scale detentions; and detentions of people while they were "exercising their fundamental rights."

Due to overcrowding, convicted individuals in some cases remained at police stations for up to seven months before being transferred to a prison. Under the new

accusatory justice system, individuals were detained at police stations for a maximum of 36 hours before either being released or moved to a permanent detention facility.

According to INPEC, as of July there were 21,333 pretrial detainees 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, the judicial system was overburdened, inefficient, and hindered by the suborning and intimidation of judges, prosecutors, and witnesses. In these circumstances, impunity remained a serious problem. The Supreme Council of the Judiciary (CSJ) reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees (see section 1.d.).

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, eight judicial branch employees were killed and 31 received threats against their lives. One employee was kidnapped, one "disappeared," and five left the country in self-imposed exile because of death threats. Some judges and prosecutors assigned to small towns worked out of departmental capitals because of security concerns. Witnesses were even more vulnerable to intimidation, and many refused to testify.

January press reports indicated that Alvaro Lopez Giraldo, the prosecutor for the Fourth Specialized Court of Huila, Tolima, and Caqueta departments, fled the country after receiving death threats from the FARC. Lopez Giraldo was in charge of investigations that led to the capture of 1,050 FARC members associated with the Teofilo Forero Mobile Column.

In May the media reported that the ELN kidnapped prosecutor Javier Enrique Gaviria in Narino Department while he was traveling on a boat near Tumaco. Military forces rescued Gaviria in June.

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 administrative jurisdiction handles administrative actions such as decrees and resolutions, which may be challenged on constitutional or other grounds. The Council of State is the highest court in the administrative jurisdiction and serves as the final court of appeal for complaints arising from administrative acts.

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 six or more years in prison are imposed. In September the minister of defense appointed the first civilian to head the military justice system.

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 serious 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, even for service-related acts committed before 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 47 prosecutors were handling 3,789 cases at year's end.

The Office of the Inspector General, also known as the Public Ministry, 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.

During the year the Office of the Inspector General opened disciplinary processes against 54 members of the armed forces for human rights offenses; the cases were referred to the prosecutor general for criminal investigation. In addition the Prosecutor General's Office brought charges against 56 members of the armed forces and found 12 other armed forces members guilty of murders or kidnappings and sentenced them to prison terms ranging between 20 and 38 years.

Trial Procedures.—The country continued implementing a new accusatorial-style criminal procedure code. The code replaced the Napoleonic system whereby a person was detained pending an investigation that involved the formal acceptance of evidence, without an actual trial. The percentage of convictions under the old system was extremely low, and criminal cases typically lasted three to five years.

Under the new criminal code, which judicial authorities were implementing over a four-year period to conclude in 2007, 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 eight 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 proven 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 aimed to establish a forensic investigative corps, transition to an accusatorial system, and establish a military defense corps. In October Luz Marina Gil became the first civilian to head the military justice system.

In June President Uribe recommended that the Prosecutor General's Office investigate and prosecute through the ordinary justice system military killings of 10 antinarcotics police officers. After a judge returned jurisdiction to the military justice system, the Ministry of Defense voluntarily ceded jurisdiction back to the Prosecutor General's Office. Fifteen soldiers, including the commanding officer, were arrested in connection with the case, and the trial began on December 18.

In November the Prosecutor General's Office sentenced two army officers to 38 years and 15 years, respectively, for aggravated homicide in the 1998 La Cabuya massacre.

Political Prisoners and Detainees.—The Government stated that it did not hold political prisoners or detainees, although there were 2,466 prisoners accused of rebellion or aiding and abetting insurgency. The Government provided the ICRC access to these prisoners. Some human rights advocacy groups characterized as political detainees some detainees held on charges of rebellion or terrorism (see section 1.d.).

Renegade paramilitaries and guerrillas, particularly the FARC and the ELN, 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 (see section 1.g.).

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 terrorist activists 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.

Renegade paramilitaries and guerrillas routinely interfered arbitrarily with the right to privacy. Both groups forcibly entered private homes, monitored private communications, engaged in forced displacement (see section 1.g.) and conscription, and abused family members. The FARC, which employed large numbers of female combatants, prohibited pregnancies among its troops.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The country's 42-year-long internal armed conflict, involving government forces, a right-wing paramilitary movement, and two leftist insurgent groups, continued although the paramilitary demobilization was concluded during the year. The conflict and the narcotics trafficking that both fueled and prospered from it were the central causes of multiple violations of human rights.

The Government concluded demobilization negotiations with most major blocs of the AUC but continued to confront militarily any paramilitary group not involved in negotiations. According to its statistics, the Government demobilized 17,560 paramilitaries during the year, bringing the total number demobilized to approximately 32,000 paramilitaries 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. On September 29, the Government published a decree implementing the Justice and Peace Law, which authorizes the Prosecutor General's Office to start the legal process of hearing confessions and further prosecuting demobilized paramilitary combatants. Critics, including domestic and international human rights groups, expressed concerns that the law did not sufficiently take into account international standards on the principles of truth, justice, and reparations. In August the OAS verification mission noted "emerging situations of possible rearmament and the appearance of armed groups claiming to be the 'new generation of paramilitaries,'" who in some cases "are recruiting former paramilitary combatants."

In many areas of the country, the 12,000-member FARC and the 2,000-member ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca Department, they fought each other. There were an estimated 1,990 guerrilla desertions during the year.

Members of security forces committed human rights abuses related to the internal armed conflict.

The Association of Indigenous Councils of Choco and Orewa reported a massive displacement on March 15 of members of the indigenous community of Conondo due to fighting between the army and the FARC.

Amnesty International (AI) reported alleged homicides of 10 people on April 10, committed by members of the 12th Brigade in the hamlet of Sanza, San Juan de Arama, Meta Department. According to AI, witnesses alleged that the soldiers targeted unarmed civilians who sought refuge in a school-house during combat in the area. The case remained under Military Justice System investigation at year's end.

On September 15, soldiers from the Pichinicha Battalion fired a mortar grenade that fell short of its intended target, killing an eight-year-old boy from an indigenous community near Popoyan, Cauca Department.

There were no known developments in the November 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 9, the Prosecutor General's Office issued preventive detention measures against Captain Juan Carlos Rodriguez Agudelo, Corporal Francisco Blanco Esteban, and Albeiro Perez Duque in the case of aggravated homicide, aggravated forced disappearance, and aggravated torture for involvement with paramilitary forces in the murders of Jhon Jairo Iglesias Salazar, Araceli Londono Varona, Ananias Mojica, and Jesus Antonio Cespedes Salgado (alias Jose Cespedes) in November 2003 in Cajamarca, Tolima Department. 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.

On July 31, public hearings began in the trial against seven soldiers from the Pijaos Antiterrorist Battalion for their alleged involvement in the April 10, 2004, killing in Cajamarca of Norberto Mendoza Reyes, Albeiro Mendoza Reyes, Julio Santana Reyes, Yamile Uruena Arango, and Cristian Albeiro Mendoza Uruena along the Potosi hamlet in Cajamarca, Tolima Department. The trial was ongoing at year's end.

The trial of four officers and one civilian for their alleged role in the 2004 killing of three trade union members near Saravena, Arauca Department, continued at year's end.

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.

The trial for the 1998 Air Force bombing of the village of Santo Domingo, Arauca Department, remained suspended. The Prosecutor General's Human Rights Unit suspended the trial in November 2005 to allow for additional evidence to be collected and to allow time to hear all of the scheduled testimony. According to Amnesty International, on March 22, FARC members killed Wilson Garcia Reatiga, President of the Collective Action Committee of Tame, Arauca, who was a key witness in the case.

Some members of the Government security forces, including enlisted personnel, noncommissioned officers, and senior officials, collaborated with or tolerated the activities of renegade paramilitaries. Reports suggested that tacit nonaggression pacts between local military officers and renegade paramilitary 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, paramilitary groups. Impunity for these military personnel remained a problem.

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 yet begun at year's end.

The Inter-American Court of Human Rights issued rulings in two cases related to military collusion with paramilitaries. The Government agreed to comply with the rulings in both cases:

In January the court ordered the Government to pay $5.6 million to the families of individuals killed or missing from a 1990 massacre in Pueblo Bello, Antioquia Department.

In July the court ruled that the Government was responsible by omission for two 1997 massacres committed by the AUC in La Granja and El Aro communities in Ituango, Antioquia Department. The decision established that the Government was responsible for the 19 killings, forced displacement, and abuses suffered by local residents because the security forces and authorities failed to take the necessary measures to prevent the killings or stop the AUC. The court ordered the Government to pay $2.25 million to relatives of the victims, establish a housing plan for inhabitants of both communities, issue a public apology, and reopen a judicial investigation into the case.

In July 2005 the Prosecutor General's Office issued an arrest warrant for Sergeant Sergio Salazar Soto for conspiracy in helping paramilitary members massacre 40 persons in Cienaga, Magdalena Department, 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.

Although the defense concluded its case against retired brigadier general Jaime Uscategui and former army colonel Hernan Orozco in August 2005 for the 1997 massacre in Mapiripan of at least 27 civilians, the judge had not made a ruling at year's end.

CINEP alleged that on March 21 renegade paramilitaries, acting with the acquiescence of the military, tortured, raped, and murdered Yamile Agudelo Penaloza, leader of the Popular Women's Organization in Barrancabermeja, Santander Department.

Demobilized paramilitaries committed crimes, which primarily affected civilians. The NGO Colombian Commission of Jurists (CCJ) claimed that paramilitaries, demobilized or active, had killed more than 3,000 civilians from December 1, 2002, through July 2006.

According to CINEP, demobilized paramilitary members were responsible for the deaths of 58 civilians from January through June, a 75 percent decrease from 234 deaths reported during the same period in 2005. Demobilized and renegade paramilitary members killed journalists, local politicians, human rights activists, indigenous leaders, labor leaders, and others who threatened to interfere with their criminal activities or showed leftist sympathies. Renegade paramilitary members also

killed persons to protect criminal activities. Amnesty International alleged that renegade paramilitary members killed Jairo Romero, a mayoral candidate in Yumbo, Valle de Cauca Department, on January 17, as well as Eduardo Hernandez, a mayoral candidate in Buenaventura, Valle de Cauca Department, on January 18. In September a court convicted three men for killing Romero, but it was unclear whether they were paramilitary members.

There were no new developments and none were expected in the investigations into the 2005 killings of the following individuals, reportedly by paramilitary members: Jaime Orlando Reuto Monsalve, the former mayor of Tame, Arauca Department; eight indigenous people in La Guajira Department; 12 youths in Buenaventura, Valle del Cauca Department; and labor union President Factor Antonio Durango in Bello, Antioquia Department.

On March 22, the Prosecutor General's Office arrested a suspected AUC member, Alvaro Padilla Medina ("El Boxeador"), on murder charges related to the killing of Afro-Colombian leader Orlando Valencia in October 2005. In May a specialized court in Antioquia sentenced Padilla to 24 years' and 5 months' imprisonment. On October 13, Hermen Jose Munoz Gonzalez ("Diomedes"), a suspected ex-paramilitary member, was indicted on murder charges. He remained detained. Authorities also arrested AUC member Julio Cesar Silva Borja ("El Indio") on September 6 and Pablo Jose Montalvo Cuitiva ("Alfa 11"), the suspected material author of the crime, on November 6. Their trials had not started by year's end. On October 9, the Prosecutor General's Office also opened an investigation into the alleged involvement of two police officers in the killing.

Renegade paramilitary members or criminal groups not participating in the peace process 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. On March 17, authorities indicted nine alleged paramilitaries for aggravated homicide and other charges for their role in the April 2005 torture and killing of 12 minors in Buenaventura, Valle de Cauca Department. The accused were on trial at year's end.

The Presidential Program for Human Rights reported that paramilitary members, who killed eight persons in massacres in 2005, committed no massacres before demobilization was completed in August. There were reports that renegade paramilitary members committed massacres, "social cleansing" killings of prostitutes, drug users, vagrants, and gang members in city neighborhoods they controlled. For example, the press reported that on February 11 renegade paramilitaries killed six persons in Sabanalarga, Antioquia Department.

In November the Prosecutor General's Office indicted Ernesto Baez and Rodrigo Perez, both former commanders of the AUC's Central Bolivar Bloc, for ordering the 2001 killing of lawyer and human rights activist Alma Rosa Jaramillo Lafourie in Bolivar Department.

The prosecutor general's investigation into the December 2005 massacre by the AUC's Northern Bloc in Curumani, Cesar Department, led to the arrest of one suspect in June.

The Prosecutor General's Office arrested four suspected paramilitaries for their alleged role in a 2004 massacre in Curumani, in which eight to 22 people were reportedly killed.

In compliance with the Justice and Peace Law, demobilized paramilitary members began revealing the existence of mass graves, and the Prosecutor General's Office uncovered graves across the country. On February 14, authorities uncovered the remains of 21 individuals in a mass grave in Magdalena Department. On April 11, the Prosecutor General's Office exhumed the remains of 20 individuals in La Gabarra, Norte de Santander. On April 27, authorities discovered five bodies in a grave in a former AUC camp in Santo Domingo, Antioquia Department. By the end of the year, the Prosecutor General's Office had discovered approximately 390 bodies in mass graves, one-third of which had been identified. The Prosecutor General's Office estimated that mass graves still held remains of more than 3,000 victims.

On March 15, the Prosecutor General's Office detained the former governor of Meta Department, Edilberto Castro, for his alleged role in the killings of former governor Carlos Javier Sabogal, former mayor of El Dorado Euser Rondon, and former member of Congress Nubia Sanchez, whose bodies were found in 2004. Authorities indicted Castro on seven charges, including aggravated homicide. The trial continued at year's end.

According to CINEP, renegade paramilitary members abducted at least 34 persons during the first six months of the year, compared with 30 in the same period of 2005. Renegade paramilitary members 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 renegade paramilitary members were responsible for 34 kidnappings during the year, compared with 43 in 2005.

The actions of renegade paramilitary members continued to result in forcible displacement of civilians residing along key drug and weapons transit corridors or suspected of collaborating with guerrillas (see section 2.d.).

Paramilitary members 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 (see section 2.d.). For example, according to CINEP, on January 20, paramilitary members from the Bloque Miguel Arroyave blocked the UN's World Food Program (WFP) from entering Puerto Toledo, Meta Department, to deliver food intended for internally displaced communities.

FARC and ELN guerrillas committed numerous unlawful killings, kidnapped civilians and military personnel, displaced citizens, and recruited child soldiers. They killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces. The Presidential Program for Human Rights reported that during the year the FARC killed at least 40 persons in seven massacres, although another 143 persons were killed in massacres in which the perpetrators remained unidentified. Examples of representative incidents included the following:

In early February press reports indicated FARC members killed a family of six in Llanos del Encuentro, Antioquia Department, when they fired on the family's home.

On February 26, FARC members from the 10th Front killed Juan Ramirez Villamizar, governor of the indigenous group Guahibos Makaguan.

On February 28, FARC members from the 10th Front killed teacher Luz Myriam Farias in Tame, Arauca Department, as she returned from recovering the body of her husband, Juan Ramirez Villamizar, who was killed by FARC members two days earlier.

On March 31, FARC members killed indigenous leader John Jairo Osorio Piraza, while he was on the way to the funeral of indigenous teacher Arcelio Pena Guatico, whom the FARC had killed the previous day.

On July 24, a specialized judge in Pereira, Risaralda Department, sentenced Norbey Garcia Orozco and Javier Augusto Rendon of the FARC's Teofilo Forero Mobile Column to 36 years for their role in the April killing of Liliana Gaviria Trujillo, the sister of former President Cesar Gaviria.

On May 13, in Sabana de Torres, Santander Department, the ELN killed six civilians, according to press accounts. Authorities asserted that the massacre was directed against individuals who had failed to alert ELN forces of army presence in the area.

On January 24, authorities sentenced Lizardo Valderrama Rojas to 11 years in prison for his role in a terrorist attack against CATAM Air Force Base in 2003.

On March 23, a judge in Antioquia Department sentenced 16 FARC members to 40 years' imprisonment for their role in the 2003 kidnapping and murder of then governor Guillermo Gaviria Correa and his assistant Gilberto Echeverri Mejia.

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 Department.

On April 6, the Prosecutor General's Office detained Manuel Enrique Mendoza Rodriguez ("Guzman"), for his role in the 2001 kidnapping and killing of Consuelo Araujo Noguera, former minister of culture.

Various courts indicted members of the FARC secretariat in absentia on charges ranging from kidnapping and terrorism to aggravated homicide.

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 391 members of the public security forces and the ELN had killed 24.

On February 6, FARC members killed six members of a police unit guarding manual eradicators of coca in Sierra Nevada de la Macarena National Park.

On April 20, suspected FARC members ambushed and killed 17 DAS agents and members of an army unit that were pursuing Victor Navarro ("Megateo"), a leader of the People's Liberation Army in Astilleros, Norte de Santander Department.

On July 4, FARC members in Arenillo, Valle de Cauca, attacked and set fire to a police station, killing six police officers and injuring 10 others.

On November 1, approximately 450 FARC members from the Fifth, 18th, and 58th fronts attacked a police station in Tierradentro, Cordoba Department, killing 17 police officers and three civilians. The FARC members allegedly launched their attack from civilian homes.

The FARC also killed persons it suspected of collaborating with government authorities or paramilitary groups. For example, in July the press reported that FARC members killed 10 agricultural workers whom they suspected of working for paramilitaries in Arquia Limon, Choco.

According to the Government's Tracking, Monitoring, and Evaluation System, 368 demobilized paramilitaries were killed during the year. Unknown gunmen killed the following former AUC members:

On December 27, former paramilitary leader Salvatore Mancuso's deputy in the Sinu and San Jorge Blocs, Jairo Angarita, killed in Medellin;

On November 25, former paramilitary leader Don Berna's close associate, Daniel Mejia ("Daniel"), disappeared and presumed killed in Medellin;

On November 19, former paramilitary leader Jorge 40's lieutenant, Jefferson Martinez ("Omega"), killed in the outskirts of Medellin

In October the Fourth Criminal Court of the Villavicencio Specialized Circuit sentenced three former AUC leaders to 40 years in prison for the kidnapping and summary execution of a fellow paramilitary known as "Alicate" in 2003.

According to the Presidential Program for Human Rights, guerrillas committed 646 terrorist acts during the year, compared with 611 in 2005. For example, in February suspected FARC members detonated explosives on a horse-drawn cart outside a police station in Cali, Valle de Cauca Department, killing two civilians and injuring five pedestrians. In April suspected FARC members planted explosives on two public buses in Bogota; the explosions killed three children and injured 17 others. The FARC and ELN continued to commit numerous kidnappings. Fondelibertad reported that during the year guerrillas were responsible for 119 kidnappings (48 percent of those in which a perpetrator was identified); the FARC kidnapped 75 persons; and the ELN 44 persons.

In May four suspected FARC members kidnapped Claudia Teresa Buenaventura Paredes, daughter of the former secretary general of the Tolima departmental government.

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.

Taken in 2003: Foreign citizens Marc Gonsalves, Thomas Howes and Keith Stansell; in the same incident, foreign citizen Tom Janis and Colombian Luis Alcides Cruz were killed by the FARC. The FARC did not provide proof-of-life-for these hostages during the year.

Taken in 2002: former Presidential candidate Ingrid Betancourt; former senator Jorge Eduardo Gechem; former member of congress Francisco Giraldo, and 12 former regional legislators from Valle del Cauca Department.

Taken in 2001: former governor of Meta Department Alan Jara and former members of congress Orlando Bernal, Luis Eladio Perez, Gloria Polanco, and Consuelo Gonzalez and at least four foreign-born persons.

In other cases, The FARC released proof-of-life videos during the year, which stirred debate over the possibility of an exchange of hostages for imprisoned FARC members. The hostages' families, national and international NGOs, foreign governments, and prominent public figures pressured the Government to agree with the FARC for an exchange.

According to the Antipersonnel Landmine Observatory, during the year 1,091 landmine explosions killed 230 persons and injured 861 others; military personnel accounted for 779 of the victims, while 312 were civilians. Guerrillas were responsible for an estimated 59 percent of landmine incidents during the year. Landmine incidents attributed to former paramilitary groups constituted less than 1 percent of the total; those responsible for the remaining 40 percent were not identified.

Guerrillas failed to respect the 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. In January FARC members stopped an ambulance near Santa Elena, Putumayo Department, stole medicine and equipment, and set the vehicle ablaze.

In October the FARC attacked an ambulance near Florencia, Cauca Department, and killed the driver. The ambulance was transporting two officials from the San Pablo Hospital in Narino Department.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or paramilitary collaborators from strategic zones. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, in May an indigenous community in the rural district of Bagado, Choco Department, reported that the FARC had imposed a curfew barring community members from traveling to their farms after noon. The

community complained of crop and animal losses due to the curfew. In January FARC members illegally detained a WFP truck and stole humanitarian relief food bound for displaced families in Antioquia Department.

The National Indigenous Organization (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.

In October the IACHR Special Rapporteur on the Rights of Women reported that "violence against women is employed as a strategy of war by the actors of the armed conflict" and that they employ different forms of psychological, and sexual violence to 'wound the enemy' by dehumanizing the victim, injuring her family circle and/or spreading terror in her community."

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. In May President Álvaro Uribe criticized press allegations of paramilitary infiltration of the DAS as "frivolous and irresponsible." Human Rights Watch subsequently denounced the criticism as "aggressive and degrading."

National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence from illegal armed groups, corrupt officials, and common criminals. At least four journalists went into voluntary exile during the first six months of the year.

In June the NGO Foundation for Press Freedom (FLIP) stated that Barranquilla El Heraldo newspaper director Gustavo Bell Lemus and reporters Ernesto McCausland Sojo and Armando Benedetti Jimeno received fake letter bombs. The packages included a timer with cables and a condolence note that read, "Don't get involved with things that don't concern you. Next time, this will explode." The newspaper's editorials had criticized corruption in Barranquilla, Atlantico Department.

In July FLIP reported that a police officer assaulted the director of El Kanal News, Javier Urrego Gutierrez, while he was covering a police action in Ibague, Tolima Department.

In September FLIP reported that police had arbitrarily detained Rubiel Lis Velasco and Griseldino Yafue Guetoto, two employees of the indigenous radio station Radio Uxwal in Caldona, Cauca Department.

In the case of threats against Daniel Coronell, a well-known director of a television news show, a Bogota court found Luis Fernandez Uribe Botero guilty of making the threats and sentenced him to 16 months in prison and a fine of $3,520 (8.16 million pesos).

During the year members of illegal armed groups intimidated, threatened, kidnapped, and killed journalists. According to FLIP, there were 27 death threats against journalists in the first six months of the year, compared with 19 for the same period in 2005 (see section 1.g.).

In January press reports indicated that the editor of La Tarde magazine, Diro Cesar Gonzalez, fled Barrancabermeja, Santander Department, after receiving repeated threats from alleged paramilitary groups.

In February gunmen in Monteria, Cordoba Department, attacked journalist Gustavo Rojas, who died of his injuries a month later. In April the Office of the Prosecutor General captured three of the alleged killers, who were identified as demobilized AUC members. The status of the case at year's end was unknown.

In October unknown gunmen pressured vendors of the newspaper El Meridiano de Sucre to surrender all issues of that day's editions, which revealed evidence of ties between local politicians and former paramilitary leader "Jorge 40." The UNHCHR denounced the act, and the vice President ordered government authorities to protect the vendors.

The Ministry of Interior and Justice operated a program to protect journalists that covered 94 media representatives during the year, compared with 46 in 2005. The ministry also supported an alerts network organized for journalists by providing a small number of radios and an emergency telephone hot line.

In February Vice President Francisco Santos, a former journalist and kidnapping victim, announced the formation of a special committee of police and prosecutor general investigators to work with the Colombia Foundation for Press Freedom, with the goal of combating violence and threats against journalists.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals 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. 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. Paramilitary groups and guerrillas threatened, displaced, and killed academics and their families for political and financial reasons. According to the vice President's office, various assailants killed 34 teachers during the first eight months of the year. Threats and harassment caused many professors 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 teachers with 78 regional committees to investigate specific threats against teachers and, in some cases, facilitate relocation with continued employment as educators. Approximately 168 threatened educators were successfully relocated since 2004, raising to 1,500 the number relocated since 2002.

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.

Between May 14 and 16, the police Mobile Antidisturbance Squadron and army units confronted an estimated 15,000 demonstrators in Cauca Department. In the confrontations, which involved violent exchanges from both sides, one protester was killed, and several police and demonstrators were injured. The Prosecutor General's Human Rights Unit is investigating the incident.

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.—Renegade paramilitary groups, new criminal groups, and 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. Five pastors, a priest, and two religious workers were reported killed during the year.

In January a court sentenced FARC commander John Fredy Jimenez and hired gunman Alexander de Jesus Zapata to 35 years' and 36 years' imprisonment, respectively, for their role in the 2002 killing of Isaias Duarte, the Catholic archbishop of Cali.

In March gunmen killed evangelical pastor Oscar Munoz Perea in Buenaventura, Valle de Cauca Department. Witnesses identified the killers as belonging to the AUC.

The Jewish community had an estimated 5,000 to 10,000 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 xenophobic organizations. On August 6, anti-Semitic graffiti was found in Bogota near the Israeli embassy; it included a spray-painted Star of David intertwined with a swastika and virulent anti-Semitic slogans. There were reports that university students, feminist groups, and trade unionists shouted anti-Semitic slogans at an opposition party protest march during the July-August Israel-Lebanon conflict. However, the Jewish Community Center exonerated the party, whose Presidential candidate strongly supported the community and denounced anti-Semitic acts.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and while the Government generally respected them in practice, there were exceptions. NGOs criticized military operations and occupation of certain rural areas as restricting freedom of movement.

Paramilitary groups and guerrillas continued to establish illegal checkpoints on rural highways, although a larger and more visible government security presence along major highways reduced the number of kidnappings at illegal checkpoints.

In February FARC members set ablaze eight buses in Hormiga, Putumayo Department, after blocking the road to Orito, and also set ablaze three vehicles in Tibu, Norte de Santander, after blocking a rural access road.

The law prohibits forced exile, and the Government did not employ it. However, many persons went into self-imposed exile because of threats from paramilitaries, guerrillas, or common criminals.

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 nine months of the year, the Social Solidarity Network (RSS), the Government's displaced persons service agency, registered 110,302 newly displaced persons, compared with 131,716 during 2005. The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 175,216 persons were displaced during the first nine months of the year, a 30 percent decrease compared with CODHES' estimate for the same period in 2005. The difference was because the Government registered new IDPs whose applications for benefits had been accepted, while CODHES estimated new displacements based on information from the media, civil society, and some field work. CODHES estimates have been higher than government estimates in recent years. CODHES also included as displaced persons coca and opium poppy producers who migrated in response to government drug eradication efforts but did not quantify the scope of this problem. However, the ICRC indicated that the number of IDPs it had assisted in the first nine months of the year increased by approximately 20 percent, primarily due to a rise in the number of individual displacements, which were more difficult to detect than mass displacements.

While precise numbers were difficult to obtain, by year's end the RSS had registered more than 1.8 million displaced persons since 1995; the Office of the UN High Commissioner for Refugees (UNHCR) estimated that more than 2.5 million persons in the country had been displaced at some point during the past 15 years. The FARC and ELN continued to discourage IDPs from registering with the Government through force, intimidation, and disinformation; guerrilla agents sometimes masqueraded as IDPs to sow doubt and discontent among IDPs. Most IDPs were rural peasants displaced to large cities such as Bogota.

The UNHCR reported that exact numbers of indigenous or Afro-Colombian IDPs were difficult to obtain because of geographic isolation, displacement within traditional territories, and a tendency to seek assistance from other communities rather than the Government. The ONIC reported that 8,170 indigenous persons were displaced through November. The Government registered 4,492 new indigenous IDPs in the first nine months of the year. The UNHCR estimated that during the year 11 percent of the displaced population was Afro-Colombian. Paramilitaries and 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 not increased. 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 Narino, Choco, and Norte de Santander departments, national and international aid organizations often could not gain humanitarian access to reach newly displaced populations.

Mass displacements occurred in various departments throughout the year. In February the UN Office of the Commissioner for Humanitarian Affairs reported that incursions by unidentified armed groups displaced approximately 600 persons from the rural village Pueblito Mejia in Bolivar Department. In April threats by illegal armed groups, including the FARC, in rural, drug-producing zones in Narino Department resulted in the displacement of more than 1,500 persons to the municipalities of Policarpa and Cumbitara, according to CODHES.

In April a series of FARC threats led to the displacement of approximately 700 members of the Wanaan indigenous group in Istimina, Choco Department. Also in April the RSS reported that guerrillas attacked and threatened several villages in rural zones of Valle de Guamuez, Putumayo Department, displacing 850 residents

to the town of La Hormiga. UNHCR reported this same month that unknown actors displaced 77 members of the nomadic Nukak Maku in Guaviare from their jungle tribal lands to the city of San Jose de Guaviare, making them vulnerable to disease and hardship and further threatening the 200-member tribe with extinction.

In June and July, FARC attacks in Barbacoas and Recaurate, Narino Department, led to the displacement of 1,400 Awa indigenous people. Also during the summer, a series of FARC killings of community members drove 745 persons from their rural homes to the towns of Unguia and Riosucio in Choco Department.

In September FARC attacks and threats by renegade paramilitaries displaced an estimated 500 Afro-Colombians from rural areas in Narino Department. In November UNHCR denounced fighting between the army and the FARC in Choco Department. According to UNHCR, the clashes affected 2,500 civilians, primarily Afro-Colombians, forcing approximately 40 persons to flee to Panama. UNHCHR expressed concern over the displacement of the Embera indigenous community due to the fighting.

Although it increased during the year, government assistance to IDPs remained insufficient. IDPs continued to live in unhygienic conditions with little access to health care, education, or employment. IDP advocacy groups held protests to call for an improved government response, most notably during a 45-day protest in July and August, which was held in a south Bogota park with participation of approximately 1,500 long-term IDPs. The Government provided $410 million (878.4 billion pesos) in assistance for the displaced principally through the RSS, the Colombian Family Welfare Institute (ICBF), and the Ministry of Social Protection. While the ICRC provided the greatest amount of emergency (first 90 days) humanitarian assistance to the displaced, the Colombian Red Cross and several other international and domestic NGOs also provided assistance to IDPs.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 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, 144 recognized refugees resided in the country, and four refugee cases were approved 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 four months immediately preceding a national election.

Elections and Political Participation.—On May 28, 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."

Political reforms enacted for the March parliamentary elections raised the vote threshold for parties to retain formal status and gain access to government funds. The threshold rose from 50,000 votes to 2 percent of votes cast for either the Senate or the House of Representatives; 24 of the 60 parties maintained their official status following the March elections.

The Liberal and Conservative parties have long dominated politics, but the reelection of President Uribe as an independent, the second place showing of the Polo Democratico Alternativo's (POLO) Presidential candidate Carlos Gaviria, and the success of third party candidates in the March parliamentary elections reflected a widening of the political arena.

Both renegade paramilitary groups and the FARC threatened and killed government officials (see section 1.g.). According to the National Federation of Councils (FENACON), 23 council members were killed during the year, compared with 26 during 2005. FENACON attributed 60 percent of attacks on council members to the FARC.

Scores of local officials throughout the country resigned because of threats from the FARC. In October the press reported that 60 public officials, including seven

mayors, tendered their resignations in Norte de Santander Department after receiving death threats from FARC. Also in October senators from POLO denounced an "extermination and intimidation" plan by paramilitary groups against the party in Valle de Cauca Department. A Ministry of Interior and Justice program provided protection to 155 mayors, two former mayors, and 1,914 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 11 women in the 102-member Senate, including its President, and 16 women in the 166-member House of Representatives. There were five women in the 13-member cabinet and three on the 23-member Supreme Court.

There were four indigenous senators, two of whom occupied seats reserved for indigenous persons, and one indigenous member of the House of Representatives. 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 three Afro-Colombian members of the House of Representatives. There were no Afro-Colombian cabinet ministers and no Afro-Colombians on any of the nation's high courts.

Government Corruption and Transparency.—The country suffered from endemic corruption and graft in both the public and private sectors. Drug-trafficking revenues exacerbated corruption by enabling trafficking organizations to suborn government officials.

The Government actively prosecuted cases of governmental corruption. For instance, in October authorities sentenced Rafael Enrique Garcia, former director of the DAS computer department, to 18 years' imprisonment for tampering with a database and erasing criminal records pertaining to drug traffickers wanted for extradition.

The Justice and Peace Law process exposed corruption and paramilitary ties within the Government and security forces. President Uribe publicly urged the Supreme Court to pursue all leads and punish public officials found guilty. The President increased funding for the Supreme Court, which investigates members of Congress and senior government officials, to allow it to have its own investigative unit. President Uribe stated that the accusations related to the conduct of individuals, not institutions, and Congress continued to function normally.

On November 9, the Supreme Court ordered the arrest of three congressmen—senators Alvaro Garcia and Jairo Merlano and representative Erik Morris—charged with aggravated conspiracy to commit criminal activity based on allegations of ties with paramilitary groups. In early December the Supreme Court questioned eight senators, three representatives, and the governor of Magdalena on similar allegations. Since the Supreme Court only has power to investigate acting government officials, in mid-November the Prosecutor General's Office opened investigations into former office holders and businessmen and ordered them to appear for questioning. Among those summoned were former DAS director Jorge Noguera, former Sucre governor Salvador Arana, former Sucre assembly deputy Angel Daniel Villarreal, businessman Jose Joaquin Garcia, cattle rancher Miguel Nule, and engineering contractor Octavio Otero. In addition, in September the Prosecutor General's Office arrested four deputies in Sucre Department for ties with paramilitary groups.

In January 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 one month's time leading up to elections.

On December 4, the Inspector General's Office ordered Cali mayor Apolinar Salcedo removed from office and prohibited him from holding public office for 16 years. The Inspector General's Office accused Salcedo of mismanagement of the tender and award of a public contract for collecting city taxes. Salcedo's appeal of the decision remained pending at year's end.

On December 2, 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 was under investigation for embezzlement and public contract fraud.

The Inspector General's Office barred a number of former officials from public office for up to 13 years for engaging in corrupt practices. Those barred included the former governor of Atlantico, Luis Daniel Vargas Sanchez; the former governor of Boyaca, Miguel Angel Bermudez Escobar; and the former President of the Social Security Institute, Guillermo Fino Serrano.

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 a few low-level officials insisted on bribes to expedite access to information.

Section 4. Governmental Attitude 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. Many domestic NGOs also contended that the Government arbitrarily arrested and detained human rights activists, particularly in high conflict areas (see sections 1.d. and 6.a.).

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 getting meetings with government officials or getting 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 NGOs differed in their evaluations and analyses of the human rights situation, which led to profound mutual suspicions.

The Government asserted that some human rights activists engaged in activities that supported terrorism (see section 1.e.). The cases included the January 4 incarceration in Bucaramanga of Principe Gabriel Gonzalez Arango, Santander coordinator of the Committee for Solidarity with Political Prisoners, who remained in prison at year's end; and Jose Vicente Murillo Tobo, President of the Joel Sierra Regional Human Rights Committee in Arauca, arrested in 2003 and held for more than three years in pretrial detention, who alleged he was denied legal due process. Jose Murillo Tobo was released in September and convicted of rebellion after his release (see section 1.d.).

In October the Government of Denmark announced charges against the spokesman for the Danish NGO Association Rebellion for providing financial support to terrorism.

According to the CCJ, four human rights activists were killed during the year. The CCJ attributed the killings to renegade and demobilized paramilitaries (see section 1.g.).

In May, August, October, and November, several NGOs reported receiving e-mail threats, allegedly from newly formed paramilitary groups. The UNHCHR expressed concern over the threats. The Government condemned these threats and the Prosecutor General's Office opened an investigation.

There were several reports of thefts of computers and electronic data from human rights groups. In April CODHES reported a robbery of information from its headquarters in Bogota. Another break-in occurred in August, involving the theft of data on IDPs. In April two computers were stolen from the home of a lawyer from the Jose Alvear Restrepo Lawyers' Collective.

The Ministry of Interior and Justice and the DAS allocated approximately $21 million (45 billion pesos) to the Government's program to protect human rights activists and other vulnerable groups, approximately 20 percent of which funded protection measures for human rights groups and civil society leaders. The Government provided protection to more than 509 human rights activists during the year and bulletproofed 90 NGO offices since 2000.

The Government cooperated with international organizations. The UNHCR, the International Organization for Migration (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.

In its 2005 report, the UNHCHR issued 27 recommendations to improve the human rights situation in the country, 24 of which were directed at the Government and the independent Prosecutor General's Office (see section 1.e.). Some of the recommendations had been broadened from previous years. Throughout the year the Government met with the UNHCHR, local NGOs, and members of the diplomatic corps to discuss its action plan and the steps it had taken to comply with the recommendations. While acknowledging progress on several recommendations, the

UNHCHR and local NGOs reported that the Government had not fully complied with most of them by year's end. In September the Government renewed the UNHCHR's mandate for one year.

The national human rights ombudsman is independent, reports to the inspector general (see section 1.e.), and has responsibility for ensuring the promotion and exercise of human rights. The Government generally cooperated with the ombudsman. The ombudsman's Bogota office was the headquarters of a national early warning system, which was designed to alert public security forces of impending human rights violations, particularly large-scale massacres. The office generally was underfunded and understaffed, limiting its ability to effectively monitor human rights violations or prevent their occurrence. 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 that 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.

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, 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 33,000 cases of domestic violence against women during 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.

Although prohibited by law, rape, including spousal rape, remained a serious problem. The law provides for sentences ranging from eight years' to 15 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates sentences of six months to two years and denies probation or bail to offenders who disobey restraining orders. The Institute for Legal Medicine and Forensic Science, which reported 14,246 cases of suspected sex crimes, including rape, indicated that many cases went unreported. Renegade paramilitary members and guerrillas raped, sexually abused, and in some cases, sexually mutilated women and children for allegedly 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.

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 three to eight years' imprisonment. Trafficking in women for sexual exploitation continued to be a problem (see section 5, Trafficking).

In January the congress passed a law applicable to both the private and public sectors that provided 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 remained a persistent problem. 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 5,973 microcredit loans to women, in the amount of five million dollars (12 billion pesos). NGOs such as the Popular Women's Organization in Barrancabermeja, Santander Department, and the Women's Path to Peace in Medellin, Antioquia Department, worked on women's issues, particularly peace initiatives.

On January 23, 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 during the year.

In August 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 up to age 18 and is universal, compulsory, and free up to age 15. The National Department of Statistics (DANE) estimated that more than eight million children between ages six and 15 attended school. The Government covered most basic costs of primary education. However, families were obliged to pay for such additional matriculation fees after age 15, books and school supplies, and transportation; these costs often were prohibitive, particularly for the rural poor.

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 18,000 cases of child abuse during the year. The institute also estimated that approximately 85 percent of the 17,000 reported sex crimes involved sexual abuse of children, most of whom were under the age of 14. According to the UN Children's Fund (UNICEF), approximately 35,000 children were sexually exploited each year.

According to a report by the Inspector General's Office, 25,000 minors were sexual workers. Children were trafficked for sexual exploitation (see section 5, Trafficking).

The law prohibits service in the public security forces before age 18, and government practice conformed with the law. Guerrillas forcibly recruited and used children as soldiers. The Ministry of Defense estimated that 20 percent of FARC members were minors and that most guerrilla fighters had joined the FARC ranks as children. Human Rights Watch stated there were approximately 11,000 child soldiers, 80 percent of whom belonged to the FARC and the ELN.

A 2002 UNICEF study estimated that 83 percent of child soldiers volunteered 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 deserting illegal armed groups. At least 396 children (225 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. While child labor remained a problem, in October President Uribe signed the Law of Children and Adolescents, which raised the minimum age for work from 14 to 15 years of age (see section 6.d.).

The UNHCR reported that 74 percent of IDPs were women and children (see section 2.d.). 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 both sexual and labor purposes. As of September the IOM received 244 hot-line calls related to trafficking. The vast majority of trafficking victims were young women, although children and young men were also at risk. Destination countries 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 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 between government agencies, and planned the implementation of a database to monitor trafficking cases. The prosecutor general's Anti-Trafficking Unit 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. From September 2004 to August, the IOM trained 382 officials on specific trafficking issues and provided awareness-raising training to 2,084 officials and NGO workers. 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 also provided housing, psychosocial therapy, medical care, and legal assistance to child victims of sexual exploitation through trafficking.

The IOM started a campaign to advertise an IOM 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 in the provision of other state services, and the Government effectively enforced these prohibitions. There is no law mandating 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 11 percent of the population was of African origin. While Afro-Colombians are entitled to all constitutional rights and protections, they faced significant economic and social discrimination. An estimated 74 percent of Afro-Colombians earned less than minimum wage. 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 paramilitaries and guer-

rillas struggled for control of the department's key drug- and weapons-smuggling corridors.

On May 25, a court in Antioquia sentenced Alvaro Padilla Medina to 24 year's and five months' imprisonment for the October 2005 killing of Afro-Colombian community leader Orlando Valencia in Belen de Bajira, Choco Department (see section 1.g.).

Indigenous People.—The constitution gives special recognition to the fundamental rights of indigenous people, who comprised approximately 2 percent of the population.

By law indigenous groups have perpetual rights to their ancestral lands. Traditional Indian authority boards operated approximately 866 reservations 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 (see section 1.e.). 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 paramilitaries and guerrillas in 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. For national security reasons, the law permits the presence of government security forces on lands of indigenous communities.

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 (see section 1.g.). ONIC reported that through July, violence killed 32 indigenous persons and displaced 5,731 others. ONIC stated that the FARC alone kidnapped 12 indigenous persons during this period. In January clashes between the FARC's Jacobo Arenas Mobile Column and eight battalions of the army trapped a Paez indigenous community in a cross fire for several days. The fighting killed one community member and injured two others, forcing more than 3,000 Paez from their homes.

On August 9, the International Day of World Indigenous People, hooded gunmen in Ricaurte, Narino Department, killed five members of the Awa indigenous community, including a former governor of the Chinbuza indigenous reserve. The Prosecutor General's Office was investigating the killings.

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. Violence against union members and antiunion discrimination discouraged workers from joining unions and engaging in trade union activities, and the number of unions and union members continued to decline. Approximately 830,000 workers (or less than 5 percent of the 18-million-member workforce) were union members.

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.

In June the Government, trade confederations, and business representatives signed an accord to have a resident ILO representative sent to the country; he was scheduled to arrive in January 2007. The agreement also committed the Government to finance the ILO Special Technical Cooperation program and allocated $1.5 million to the Prosecutor General's Office to combat impunity for violence against trade unionists. By the end of the year, the Government had assigned nearly 100 prosecutorial and investigative personnel to 128 cases of violence against trade unionists. In addition, the agreement reconvened 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.

Labor leaders continued to be targets of attacks by both guerrillas and renegade paramilitary for political reasons (see section 1.g.). According to the Ministry of Social Protection (MSP) 25 trade unionists, nine of whom were union leaders, were killed during the year, compared with 13 in 2005. According to the National Labor College (ENS), a labor rights NGO, 37 trade unionists were killed during the year. ENS and government figures differed because the ENS counted non-affiliated advisers to unions, retired and nonactive union members, and rural community organization members as trade unionists, which the MSP did not.

Illegal armed groups disproportionately targeted educators. Labor groups counted teachers affiliated with trade unions among the total number of trade unionists killed, whereas the MSP counted them separately. The MSP reported that 34 teachers affiliated with unions, two of whom were leaders, were killed during the year. The ENS reported 35 teachers affiliated with unions were killed. There had been no convictions in any of these cases by year's end. Threats, intimidation, or coercion against prosecutors, judicial investigators, and witnesses contributed to impunity in these cases.

The Government continued its protection program for threatened labor leaders, providing protection measures for more than 1,200 trade unionists during the year.

Illegal armed groups killed, kidnapped, and threatened trade union members for political and financial reasons (see section 1.g.). On March 2, unknown gunmen in a Barrancabermeja neighborhood reportedly under paramilitary control killed Hector Diaz Serrano, a member of the National Workers' Union (USO). Also on April 2, unknown gunmen killed Daniel Cortez, a member of an electricity worker's union, SINTRAELECOL; the union attributed the killing to paramilitaries. On September 13, unknown gunmen killed Gregorio Izquierdo, a member of the union SINTRAEMSERPA, in Arauca City, Arauca Department; the union considered paramilitaries responsible.

Union leaders contended that perpetrators of violence against workers operated with virtual impunity. In cases of killings of trade unionists and teachers affiliated with unions, authorities identified guerrillas as the perpetrators of seven acts, renegade paramilitaries for four, and common criminals for two. The ENS attributed nine killings to renegade paramilitaries, seven to guerrillas, and 1 to common criminals.

On October 3, a judge in a foreign court dismissed a 2001 union lawsuit against Coca-Cola bottling plants in the country. The suit alleged collusion with paramilitaries to kill and intimidate trade unionists. The union stated it would appeal the decision.

While the law prohibits antiunion discrimination, some long-standing ILO criticisms of the labor code remained, including the legality of firing union organizers from their jobs within six months following a strike or dispute, the legality of firing union organizers from their jobs within six months following a strike or dispute, the prohibition of strikes in a wide range of public services that are not necessarily essential, the Government's power to intervene in disputes through compulsory arbitration when a strike is declared illegal, and the power to dismiss trade union officers involved in an unlawful strike. The Government countered that ILO technical assistance helped to draft the labor code and that it does not impede labor rights. The Government did not declare illegal any of the eight strikes that occurred during the year.

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 extemporaneous groups of workers when no union is present or when a union represents less then half 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 temporarily 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, which estimated the number of such cooperatives at 3,000 and the number of associated workers at approximately 379,000. Workers' cooperatives were obligated to provide compensation at least equivalent to the minimum wage and the same health and retirement benefits as other workers receive.

Government investigators discovered that most cooperatives engaged in subcontracting and, in some cases, that private sector employers had forced workers to form cooperatives and were themselves managing the cooperatives' daily operations. The Government has the authority to fine violators but has no recourse to shut down repeat offenders. In practice nominal fines assessed by the Government did little to dissuade violators. In December the Government issued a decree to combat the misuse of workers' cooperatives by explicitly prohibiting their use as labor subcontractors, limiting their status to that of nonprofit, and raising 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" as defined by law were not permitted to strike.

Before staging a legal strike, public sector unions must negotiate directly with management and accept mediation if they cannot reach an agreement. The law prohibits the use of strikebreakers. The law that prohibits public employees from striking was often ignored. By law public employees must accept binding arbitration if mediation fails.

In May the U.S. successfully negotiated a collective bargaining agreement with Ecopetrol, the Government petroleum company.

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, and 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.

Paramilitaries and guerrillas practiced forced conscription; forced labor was also involved in prostitution (see section 5). There were some reports that guerrillas and paramilitaries used forced labor, including child labor, in areas outside government control (see section 6.d.).

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 in the country, of whom only an estimated one in five was working legally. An estimated 25,000 minors were sexual workers (see section 5).

In October the minimum age for employment was raised to 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 six 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 eight 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 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 a 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 widely: DANE estimated the number at 10,000 to 15,000; the state-entity MINERCOL estimated up to 200,000; the ILO's International Program for the Eradication of Child Labor estimated the number at approximately 100,000. According to DANE, children also worked as coca pickers or in other aspects of the illegal drug trade. Children were also engaged in illegal conscripted labor as child soldiers.

Although there were no reports of forced child labor in the formal economy, several thousand children were forced to serve as paramilitary or guerrilla combatants (see sections 1.g. and 5), prostitutes (see section 5), 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 and coordination among national, regional, and municipal governments through its "Third National Plan for the Eradication of Child Labor and Protection of Working Youth."

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 set by tripartite negotiations among representatives of business, organized labor, and the Government, was approximately $187 (433,700 pesos), a 6.3 percent increase from the previous year. The national minimum wage did not provide a decent standard of living for a worker and family. Approximately 59 percent of the workforce was employed in the informal sector, which is not covered by the minimum wage.

The labor code provides for a regular workweek of 48 hours and a minimum rest period of eight 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 lack 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.

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 four years. In February Oscar Arias Sanchez, of the National Liberation Party (PLN), won elections that generally were considered free and fair. 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.

While the Government generally respected the human rights of its citizens, the following human rights problems were reported: prison overcrowding in certain facilities; inadequate prison medical services in general; 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.

On May 27, authorities arrested a current and a former police officer and accused them of assisting in the revenge killings of three citizens in May 2005. According to police reports, the men lured the victims, believed to be responsible for killing Colombian Javier Caceido, to a park to purchase stolen tools. The men presented police credentials, arrested the three persons, and drove them to a nearby park where they were delivered to four associates of Caceido and killed. At year's end one of the suspects remained in preventive detention and 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.

All four police officers found guilty in August 2005 of abuse of authority for beating a suspect who resisted arrest appealed their three-year suspended sentences, and the appeals were still pending as of year's end.

In September a court found the former police officer charged with the 2003 beating of a robbery suspect guilty and sentenced him to two years in prison, but the sentence was commuted to parole.

The ombudsman's office lodged and recorded complaints of police misconduct (see section 4). During the year the ombudsman's office received 20 complaints, 19 of which remained under investigation, and one was determined to be legitimate.

On July 18, Nicaragua denounced Costa Rica at the Inter-American Commission on Human Rights (IACHR), citing a November 2005 incident in which seven public security officers witnessed but did not intervene when two guard dogs attacked a Nicaraguan. Nicaragua claimed this showed that its citizens face discrimination and xenophobia in Costa Rica. On October 18, the IACHR held a public hearing on the case but had not released any findings by year's end.

Prison and Detention Center Conditions.—Although the Government worked 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 approximately to the system's capacity level, although overcrowding persisted at the San Sebastian prison and the women's prison at Buen Pastor. San Carlos prison reduced its population 7 percent, which put it at capacity in June. As of June 30, the social adaptation division of the Ministry of Justice reported 12,987 persons under its supervision, including 7,737 jailed prisoners, 660 persons required to spend nights and weekends in jail, 4,039 persons in supervised work programs requiring no jail time, and 551 juveniles.

San Sebastian, where most prisoners in pretrial detention were held, continued to be overcrowded and unsanitary. Because of increases in the number of persons held in preventive detention arising out of court backlogs, the San Sebastian prison was not able to handle adequately the growing inmate population. Medical care at most facilities generally was adequate for routine illnesses and injuries but was inadequate for complex medical issues, such as HIV/AIDS.

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 the San Jose women's prison held 5 percent more inmates than its intended capacity.

Due to overcrowding at the San Sebastian complex, some pretrial detainees were held with convicted prisoners in long-term detention facilities throughout the country.

The Government permitted prison visits by international and local independent human rights observers, including representatives from the office of the ombudsman. 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 Ministry of Public Security oversees the general preventive police force, as well as the drug control police, the border police, and coast guard. Traffic control and law enforcement are administered by the Ministry of Public Works and Transportation. Police forces generally were regarded as effective. However, due to limited resources, the police forces were routinely unable to conduct adequate patrols or take effective preventive measures. Nongovernmental organizations (NGOs) did not perceive corruption to be a serious problem. Each ministry had an internal disciplinary unit to investigate charges of abuse and corruption against its officers. If these units discover criminal evidence in any case (such as abuse of authority), they hand over the case to the Judicial Investigative Police (OIJ). Citizens can file a complaint against police directly with the OIJ, or anonymously through its hot line.

All new police recruits received human rights awareness training as part of their basic training course.

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, prompt access to an attorney, and prompt access to family members, and the authorities generally observed these rights in practice. Indigents are provided a public attorney at government expense and access to family members; in practice even those with sufficient personal funds were able to use the services of a public defender. With judicial authorization, the authorities 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 one year, and the court of appeals may extend this period to two years in especially complex cases. The law requires that suspects in pretrial detention have their cases reviewed every three months by the court to determine the appropriateness of continued detention. According to the Ministry of Justice, as of June 30, there were 1,686 persons in pretrial detention, representing 13 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 still growing workload.

The judicial branch of government includes the upper and lower courts, the 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 eight-year terms, which are renewed automatically unless two-thirds of the assembly opposes such renewal.

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, although former Presidents Rafael Angel Calderon and Miguel Angel Rodriguez, who were released in October 2005 after nearly one year in custody, asserted that their arrests and preventive detention on corruption charges were politically motivated. In September 2005 Calderon asked the IACHR to review his case. In December 2005 he told reporters that the NGO International Society for Human Rights had filed an amicus curiae brief that asserted that his detention was politically motivated. The review by the IACHR was still pending at year's end.

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 such as genocide, homicide, kidnapping, terrorism, narcotics trafficking, production of pornography, trafficking in persons, and the trafficking of persons for their organs. However, legal guidelines on the use of wiretaps 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 July 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 a declaration that the housing development was in the public interest through introduction of a bill to reform the law on the housing financial system. At year's end the Government continued to survey and delineate land plots and to identify the most dangerous areas.

In February 2005 a court decision overturned the usurpation conviction of 17 squatters in the Bambuzal case, and the landowner and the prosecutor's office subsequently appealed the acquittal to the Supreme Court, which ordered a new trial. As of November 1, the case remained undecided by an agrarian tribunal.

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 outdated legislation that imposed 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 had not yet modified the 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. The ruling arose out of a 1999 conviction of a journalist for defamation. In May the Supreme Court rejected a claim by a journalist that prison sentences for common press infractions are unconstitutional. In June the World Press Freedom Committee sent a letter to President Arias asking him to change the press laws that jail journalists found guilty of libel or slander.

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 three 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. The Inter-American Press Association cited as problems former President Pacheco's informal ban on government advertising in La Nacion newspaper (which remained in effect) and stalling of attempts to adopt legislative reforms to press laws.

In July a trial court found journalist Ana Maria Navarro not guilty of libel and defamation for two reports she wrote critical of a mayor's alleged nepotism.

The trial of the six defendants accused of killing or illicit association in relation to the 2003 killing of journalist Ivannia Mora began in May. In November all six were acquitted because judges in the case found that key evidence had been improperly obtained. The trial of 10 defendants arrested in 2004 for the 2001 killing of radio host Parmenio Medina continued 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 chatrooms. 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.

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.

In October 2005 the IACHR agreed to review allegations of censorship brought against the rating commission by the owner of a local tabloid magazine that the Government closed in 2004 after the owner printed semi-nude photographs in a 2003 issue without first submitting that issue for the rating commission's review. The case remained undecided at year's end.

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.

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 April 2005 the public National University alleged that the church conference certification requirement was discriminatory and requested that the Ministry of Public Education reform the law governing public education to allow teachers certified in religious instruction by an entity other than the Roman Catholic Church to teach religion in the public school system. The Ministry of Public Education had not acted on this request as of September 15.

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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice. The law 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 or refugee status in accordance with the 1951 UN 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 they feared persecution. The Government granted refugee status or asylum and cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The Refugee Department, in 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.

In September the security ministry announced its intention to cooperate with the Colombian government to determine if any of the approximately 10,000 Colombian refugees living in the country had obtained refugee status under false pretenses. In public statements, the UNHCR characterized this action as a collective investigation based on nationality and therefore a violation of the confidentiality principle refugees should enjoy. As of November 1, there were no reports of abuse originating from this information sharing.

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 and by secret ballot every four 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 four-year terms, and assembly members may seek reelection after at least one term out of office.

Elections and Political Participation.—In the February national elections, Oscar Arias of the PLN won the presidency in elections that generally were considered free and fair.

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 22 women in the 57-seat legislative assembly, including seven legislative committee chairwomen and the heads of three of the four major party caucuses.

Indigenous people 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 minority members in the cabinet.

Government Corruption and Transparency.—The NGO Transparency International reported a serious level of perceived domestic corruption, a slight increase from 2005. There continued to be 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 (see section 1.e.). In December the Constitutional Chamber ruled that authorities violated Rodriguez's rights when he was shown on local television leaving the plane handcuffed after his arrest. Former President Jose Maria Figueres Olsen remained in Switzerland despite a standing request by the legislative assembly for his return to answer questions regarding kickbacks received from his former company.

There were no new developments reported in the 2004 corruption investigation of the former President and board of directors of the social security fund.

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 Attitude 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.

There is an ombudsman's office of approximately 150 employees dedicated to the oversight of actions or inactions by the Government that impact 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 four-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 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.

During the year the autonomous National Institute for Women (INAMU) provided legal and psychological counseling to 5,325 women and lodging for 245 battered women and 465 children in INAMU shelters. As of August 15, INAMU reported that 19 women and girls were killed in incidents of domestic violence, compared with 40 victims during all of 2005. INAMU also maintained a domestic abuse hot line.

As of December 21, the office of the special prosecutor for domestic violence and sexual crimes for the San Jose area investigated a total of 1,084 cases, compared with 1,243 cases in all of 2005.

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.

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 two to 10 years in prison for statutory rape. The judiciary effectively enforced the rape law and provided due process for both victim and defendant. According to INAMU, the rape law applies in the same manner 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. During the first six months of the year, 316 rape cases, 36 intent cases, and 403 cases of sexual abuse of minors were reported to the prosecutor's office.

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 initiated awareness campaigns publicizing the dangers of sex tourism and its association with child sexual exploitation (see section 5, Trafficking).

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. During the year the ombudsman's office received 52 complaints of sexual harassment in the workplace, compared with 56 complaints during 2005.

The law for the promotion of social equality of women 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 35 percent of the labor force. Approximately 4.8 percent worked in agriculture, 12.5 percent in manufacturing, and 82.4 percent in the service sector. According to a 2005 UN Development Program report, women occupied 45 percent of professional and technical positions and 29 percent of high-level legislative, senior official, and managerial positions. The law requires that women and men receive equal pay for equal work. The estimated earned income for women was approximately 78 percent of the earned income for men.

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 six years of primary and three years of secondary education for all children, and attendance is required until age 15.

The Ministry of Education reported that the estimated primary school dropout rate was 3.3 percent and the secondary school dropout rate was 11.6 percent; these figures were based on actual registration and did not reflect students who failed to register at the beginning of the school year. The UN Children's Fund reported that approximately 30 percent of primary school students never entered secondary school and that 47 percent of secondary school students dropped out before graduation.

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. From January 1 to June 30, PANI assisted 34,006 children and adolescents (17,117 girls and 16,889 boys), including 3,403 cases of physical abuse, 2,647 cases of sexual abuse, and 1,164 cases of psychological 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 (see section 5, Trafficking). PANI estimated that an unknown but 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 six months of the year, PANI reported that it provided assistance to minors in 163 separate cases of commercial sexual exploitation.

Child labor was a problem mainly in the informal sector of the economy (see section 6.d.).

Trafficking in Persons.—Although the law prohibits the trafficking of women and minors for the purpose of prostitution or forced labor, there is no legislation to address all forms of trafficking. The 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. Immigration reform legislation, passed in October 2005, went into effect on August 12. The law explicitly criminalizes the "illicit smuggling of people" with a two- to six-year prison sentence but is designed to combat the movement of illegal aliens, not the trafficking of persons for prostitution or forced labor. There were reports that persons were trafficked to, from, and within the country, most often for commercial sexual exploitation.

Cases of trafficking involved persons from Cuba, Guatemala, Peru, Ecuador, Colombia, the Dominican Republic, Panama, Nicaragua, the Philippines, China, Russia, and several countries of Eastern Europe. While evidence suggested that most trafficked persons remained in the country, some transited to Canada, Mexico, and the United States. Some female citizens, generally from impoverished backgrounds, also were trafficked to Canada, Mexico, and the United States. Women and children were trafficked within the country for sexual exploitation, while men, women, and children were also trafficked with the country for forced labor as domestic servants, agricultural workers, and workers in the fishing industry. Traffickers often recruited victims with a promise of secure employment and good pay.

The law provides for sentences of between two and 10 years' imprisonment for anyone who engages in sex with a minor and between four and 10 years' imprisonment for managing or promoting child prostitution. The office of the special prosecutor for domestic violence and sexual crimes for the San Jose area raided seven sites, resulting in the detention of four suspects, who remained in custody at year's end.

Hundreds of investigations into the commercial sexual exploitation of children were initiated, but few resulted in successful prosecution as a result of governmental inefficiency and an inability to protect witnesses. Minimal coordination among government offices responsible for trafficking-related offenses also frustrated enforcement efforts.

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.

There were reports of corruption among immigration officials involving trafficking in persons along the country's borders, but the Immigration Directorate reported that no disciplinary actions were taken.

A governmental inter-ministerial group on trafficking made efforts to raise awareness of trafficking issues and sexual exploitation of children and to encourage law enforcement and prevention measures, particularly at the local level. A campaign initiated in 2005 that used television, radio, and billboard notices to warn young women of the dangers of commercial sexual exploitation continued. However, a lack of resources hampered the Government's efforts.

While there were limited formal mechanisms specifically designed to aid trafficked victims, the Government offered indirect assistance, such as stay-in-school programs, to child victims of trafficking. Foreign victims were not granted temporary or permanent residence status and often were deported immediately to their country of origin.

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 individual, intentional discrimination against persons with disabilities in education or in the provision of other state services. There were no reports of employment discrimination, but the ombudsman's office reported to the legislative assembly that, due to poor facility access and entrenched business practices, unreported 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 had complied with the accessibility regulations as of September 15.

The Ministry of Education operated a program for persons with disabilities, including a national resource center that provided parents, students, and teachers with advanced counseling, training, and information services. The ministry reported that 14,710 special education students were registered in the school system during the year, and there were 540 special education centers to assist special education students and students with disabilities. In addition 1,173 primary and 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 with 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 illegal immigrants 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. Few government health care facilities had been 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 people. The ombudsman had a unit dedicated to investigating violations of the rights of indigenous people 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 no reports of complaints of such discrimination during the year.

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. The Ministry of Labor reported that approximately 9 percent of workers were unionized as of July.

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.

Although the law provides protection from dismissal for union organizers and members during union formation, including reinstating workers fired for union activities, cases of enforcement were almost nonexistent, and employers often failed to comply with this provision in practice. In its 2005 annual report, the Inter-

national Labor Organization (ILO) Committee of Experts identified as a problem "slow and ineffectual procedures for penalties and redress in the event of antiunion acts." In addition, the International Trade Union Confederation's annual survey stated that there is no legal mechanism to oblige an employer to comply with a court order to reinstate a fired worker. Workers who are denied reinstatement under a court decision must file a new action with the labor court.

The center for alternative resolution of labor disputes handled 1,255 cases during the first six months of the year, 67.8 percent of which resulted in an agreement between the parties. Year-end statistics indicated a relatively high settlement rate when both employer and employee attended the hearing; with both parties present, two-thirds of the cases reached successful resolution.

To reduce backlogs caused by the lengthy labor dispute resolution process, the Ministry of Labor trained arbitrators and educated workers and unions on labor rights, and in 2005 the Supreme Court ordered the Government to develop a large-scale labor reform project. The executive branch sent a reform bill to the legislature in 2005, which was considering it in committee at year's end.

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. As of July the Ministry of Labor reported 67 collective agreements in the public sector and 13 agreements in the private sector.

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 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 to consider these rulings given the country's obligations as an ILO member but had not released its report by year's end.

After labor court judges declared a July 2005 strike by a group of municipal trash collectors illegal, the mayor fired 67 striking workers. The workers sought an injunction from the Constitutional Chamber of the Supreme Court, and the court ordered the workers temporarily reinstated pending a review of the case. Subsequently, the workers withdrew the case because the municipality annulled its decision to fire them.

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 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 six 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, minors are entitled to facilities allowing them to attend educational establishments through school arrangements and timetables adapted to their interests and employment conditions, and to participate in apprenticeship training programs.

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 and in informal activities such as domestic work and family-run enterprises. Child prostitution and other types of child sexual exploitation remained serious problems (see section 5).

The Ministry of Labor maintained an Office for the Eradication of Child Labor (OATIA), which was responsible for coordinating government efforts and programs targeted at child labor. In June 2005 OATIA presented its second national plan of action for the eradication of child labor, designed to eliminate child labor within five years and requiring each participating government agency to include initiatives to combat child labor among their activities. Subsequently, OATIA implemented 101 training programs for 3,019 public and private sector officers on child labor awareness; developed two child labor research initiatives, one in a rural area and the other in a coastal area; standardized guidelines for the provision of services to child labor victims; and developed a training manual for labor inspectors financed by the ILO.

During the year the Government continued to provide small loans and economic aid to families with at-risk children and 556 scholarships for poor families to cover the indirect costs of attending school. In 2005 the Ministry of Education initiated a new child labor education campaign to remove children from work and return them to school. OATIA reported that in 2005 it had registered 815 children working under the legal age. Working in coordination with the ministry and other government agencies, the Ministry of Labor removed these children from the work environment and placed them in schools, as well as provided counseling and orientation.

e. Acceptable Conditions of Work.—The law provides for a minimum wage, which is set by the national wage council. Monthly minimum wages for the private sector ranged from approximately $160 (81,789 colones) for domestic employees to approximately $630 (635,850 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.

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 as a result of inadequate allocation of government resources. 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 more than 11 million, is a totalitarian state led by an acting President, General Raul Castro. The Government exercises control through the Communist Party (CP) and its affiliated mass organizations, the bureaucracy, and the state security apparatus. General Castro was granted provisional control by his older brother, Fidel Castro, in a proclamation issued on July 31, after the latter underwent medical treatment. The Ministry of Interior is the principal instrument of state security and control, and officers of the Revolutionary Armed Forces, which are led by Raul Castro, have occupied most key positions in the ministry during the past 15 years.

The Government's human rights record remained poor, and the Government continued to commit numerous, serious abuses. The Government denied citizens the right to change their government. There were at least 283 political prisoners and

detainees at year's end. Thousands of citizens served sentences for "dangerousness," in the absence of any criminal activity. The following human rights problems were reported: 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; frequent harassment, beatings, and threats against political opponents by government-recruited mobs, police, and state security officials; frequent arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial, particularly to political prisoners; 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 thousands of citizens; 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.

b. Disppearance.—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 collaborate with authorities. Some detainees and prisoners endured physical and sexual 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.

On January 19, freed political prisoner Mario Enrique Mayo reported that guards at Green Sea prison in Santiago Province had tortured political prisoner Agustin Cervantes. Mayo stated that Cervantes, serving four years for dangerousness, was taken to a punishment cell where guards attached his handcuffed hands to a hook and left him suspended for at least 24 hours.

On June 14, guards at Taco Taco prison in Pinar del Rio Province punched political prisoner Orlando Zapato Tamayo repeatedly in the head while forcibly cutting his hair and shaving him. Zapata reacted by yelling "Down with Fidel!" and then spent the next 72 hours in a punishment cell. On November 2, Zapata's mother reported that a prosecutor had indicted her son for jailhouse disorder and disrespect and was seeking 15 additional years' imprisonment.

The Government knowingly forced some mentally healthy prisoners to share cells with mentally disturbed inmates.

The Government continued to subject persons who disagreed with it to "acts of repudiation." 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, sometimes damaged the victim's home or property, and occasionally assaulted the victim or his relatives. Threats of beatings or killings were common. Although the Government characterized acts of repudiation as spontaneous uprisings by patriotic neighbors, undercover police and State Security agents were often present and served in an organizational capacity. The Government did not detain any participants in acts of repudiation, even those who physically attacked the victim; the Government detained many victims following acts of repudiation. Non-Communist militants who were called on but refused to take part faced potential disciplinary action. In addition to acts of repudiation, the Government organized similar events called "acts of revolutionary reaffirmation," "acts of warning," and "acts of neutralization." All were aimed at ostracizing and intimidating those who questioned the Government's policies.

On January 22 in the Matanzas city of Pedro Betancourt, hundreds of Communist militants surrounded a house used by the Alternative Option Independent Move-

ment (MIOA), associated with the Sigler Amaya family. The crowd intimidated the occupants with shouted insults. Photographs showed CP and government officials leading the activity.

On March 17, a crowd of 500 Communist militants surrounded the Sancti Spiritus home of Isel Acosta Obregon, a member of the "Ladies in White" protest group and the wife of political prisoner Blas Giraldo Reyes. The participants pounded on the doors and screamed insults for four hours. The group prevented her from traveling to Havana to commemorate, with other members of the group, the third anniversary of the "Black Spring" arrests of 75 peaceful activists, including her husband (see section 2.d.).

On August 3, a government-organized mob of approximately 100 persons staged an act of repudiation in front of the Las Tunas home of Yamile de los Angeles Llanes, wife of political prisoner Jose Garcia Paneque. Llanes was at home with 11 youngsters at the time, when a member of the mob yelled, "Let's set the house on fire and burn the worms!"

On August 19–20, a half-dozen Communist militants occupied the hallway of dissident Martha Beatriz Roque's housing complex for six hours during the night. The men behaved as though they were drunk, hurled insults and obscenities at Roque, and hammered on her window with the butt of a pistol, inviting her to "step outside so we can kill you."

On October 10 in Santa Clara, participants in an act of repudiation beat independent librarians Orestes Suarez Torres and his wife, Nancy Gonzalez Garcia, after they left a dissident gathering. Twelve assailants broke Suarez's ribs and left both victims with black eyes, bruises, and cuts.

On December 10 in Havana, the Government deployed at least 100 state security officials and no less than 200 Communist militants to confront and attack 12 peaceful prodemocracy activists holding a silent march to mark Human Rights Day. Militants shoved, punched, and kicked the activists, who were led by dissident Darsi Ferrer Ramirez. State Security agents detained all of the participants for a number of hours.

Citizens also often attacked dissidents in individual confrontations. For example, on January 29, a proregime militant assaulted dissident Felix Bonne on the street following Bonne's visit to the Havana home of a fellow activist. The militant approached Bonne from behind and said, "This area is off-limits to counterrevolutionaries." When Bonne turned and started to reply, the militant knocked him to the ground with punches to the head and stomach.

State security officers, police, military officials, and officers of the Technical Investigations Department occasionally made death threats against human rights activists and other dissidents. In July state security agents told Nestor Rodriguez Lobaina, head of the Cuban Youth Movement for Democracy, that he would "not be around" to see his daughter grow up. On August 1, an Army colonel approached Julia Cecilia Delgado, acting President of the Liberal Party, and threatened to put her "six feet under," saying dissidents like her were endangering the country.

Death threats behind bars were not uncommon. For example, on August 8, two common criminals, Arnolis Torres Rueda and Joel Zayas, acting on orders of guards at Playa Manteca prison in Holguin Province, threatened to kill political prisoner Fidel Garcia Roldan for his prodemocracy positions.

Dissidents also received death threats from unknown sources. On January 2 and 4, Oswaldo Paya of the Christian Liberation Movement (MCL) received a death threat in a phone call made to a relative. The caller said: "We are with a revolutionary group, and we are going to kill Oswaldo Paya."

Prison and Detention Center Conditions.—Prison conditions continued to be harsh and life-threatening; conditions at detention facilities were even worse. Prison authorities frequently beat, neglected, isolated, and denied medical treatment to detainees and prisoners, particularly those convicted of political crimes or those who persisted in expressing their views. Authorities also often denied 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.

On July 5, the Cuban Commission for Human Rights and National Reconciliation (CCDHRN) denounced the "cruel, inhumane, and degrading" conditions at the country's prisons, which it said were overcrowded, unsanitary, and offered inadequate nutrition. The commission also complained that brutal prison staff members enjoyed almost total impunity, and that "rare is the day" that the commission failed to receive a report about a terrible beating behind bars.

Power and water cuts were frequent at prisons, and inmates often suffered from extreme heat. Prisoners sometimes were held in punishment cells that lacked light and fresh air, had little access to water, and only a hole for a toilet. Reading mate-

rials were either prohibited or heavily restricted. Prison officials regularly denied prisoners other rights, such as the right to correspondence.

Prison food was often inedible, and food from outside was essential to meet nutritional needs. In May an inmate at Camaguey's Kilo 8 prison was reportedly killed in a fight in a dispute over a piece of chicken. Rice was often either putrefied or contained worms. Drinking water, when available, was often contaminated. Prisoners' relatives are ostensibly allowed to bring them 40 pounds of food each visit, but in practice prison guards often prevented the relatives of political prisoners from bringing in provisions.

Overcrowding was common. Released political prisoner Albert Dubouchet stated that during the first six months of the year at Quivican prison in Havana Province, he and approximately 150 other prisoners lived in an area roughly as long and three times as wide as a bowling lane.

Inmates friendly with prison guards often received preferential treatment. This led to abuse, whereby favored inmates assaulted other prisoners with impunity. Those in the guards' good graces sometimes extorted or stole money from fellow prisoners. Guards also mobilized preferred inmates to punish prisoners for defiance. At the Holguin provincial prison on July 26, guards directed a group of hardened convicts to attack prisoners who refused to watch a reeducation program.

Some inmates resorted to self-mutilation, often to seek a transfer to a prison closer to family. In March political prisoner Juan Carlos Herrera Acosta sewed his mouth shut as part of a hunger strike protest after guards beat him at Kilo 8 prison in Camaguey. On August 8, the independent press group Young People Without Censorship reported that Adrian Loaiza, a prisoner at Camaguey's Kilo 8 prison, carved deep gashes on his arms to gain a transfer to Cienfuegos, where his family resided.

The Government stated that prison guards only use force when strictly necessary to restore order, but during the year guards often resorted to violence and showed little tolerance for special requests. On February 3, guards at Kilo 5.5 prison in Pinar del Rio beat Iraudy Casero Basilet unconscious after he demanded medical attention. Guards at the same prison sent political prisoner Diosdado Gonzalez Marrero to a punishment cell in November for five days after he requested greater access to fresh air. When political prisoner Normando Hernandez failed to stand at attention during a head count at the same prison on March 28, a guard clubbed him in the leg, threw him down a flight of stairs, and then made him stand in the heat for seven hours. On July 22, five guards at the Holguin provincial prison beat inmate Carlos Hernandez Infante after he demanded medical attention.

There was anecdotal evidence of guard brutality against inmates at 100 y Aldabo and Villa Marista, two detention centers in Havana. Some violence was inmate-on-inmate, with guard collusion. Sources who had contact with inmates reported that at 100 y Aldabo, male inmates paid guards for access to individual female cells, where they raped young female inmates.

During the first seven months of the year, at least two inmates committed suicide at Quivican prison in Havana Province, which credible sources attributed to the harsh conditions at the prison. On January 1, inmate Roberto Alfonso Arteaga asphyxiated himself at Villa Clara Youth Prison. At Kilo 5.5 prison in Pinar del Rio, inmate Arami Monet Cabrera hanged himself on January 5.

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.

Poor prison conditions prompted a number of political prisoners to wage hunger strikes. Luis Enrique Ferrer Garcia, Alexis Rodriguez Fernandez, and Agustin Cervantes Garcia staged a hunger strike from April 28 until May 19 at Green Sea prison in Santiago Province to protest mistreatment and "systematic humiliation." Others waged hunger strikes to protest State Security harassment of their family members. For this reason, political prisoner Lester Gonzalez Penton maintained a hunger strike March 20–29 at La Pendiente prison in Santa Clara.

Sexual assault occurred at prisons, but the Government did not disclose such incidents. At Manto Negro prison in Havana, the country's biggest 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, stabbings, and chemical attacks using hair-coloring products. Guards frequently looked the other way and failed to punish perpetrators.

The Government operated two or three detention/rehabilitation centers for prostitutes in the Havana area. Human rights activists claimed that these facilities held dissidents as well as prostitutes.

Although officials sought to separate the juvenile and adult prisoners, juveniles sometimes were held in the same facilities as adults. In February and March, the Government held 16-year-old Maddiel Bachiller Pedrozo, the son of a dissident, at the Villa Marista detention center, where he shared a cell with two adult males. At Manto Negro women's prison, the staff forced girls ages 16 and 17 to share cells with much older women.

The Government did not release information on the treatment of minors at either youth or adult prisons or detention centers. On April 17, prisoner Miguel Angel Vidal reportedly denounced beatings by two guards of 18 male minors at area six of La Pendiente prison in Santa Clara.

The Government sometimes denied political detainees and prisoners pastoral visits. In June and July, authorities at Red Ceramic prison in Camaguey denied a written request from independent journalist Armando Betancourt Reina 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.

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 (see section 3).

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 expressing criticism of the Government or its leaders.

Arrest and Detention.—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.

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 seven days of arrest. In practice the law was not respected. According to the CCDHRN, the Government held at least 15 dissidents without formal charges during the year.

On September 1, approximately 50 state security officials took dissident doctor Darsi Ferrer Ramirez into custody and held him at a police station for 19 hours, leaving his small child home alone. The authorities accused Ferrer of putting up stickers with the word "CHANGE," an accusation Ferrer denied. The authorities confiscated his shirt and shoes before allowing him to walk home.

Bail was available, although typically not in cases involving antigovernment activity. Time in detention before trial counted toward time served if convicted. The Government denied prisoners and detainees prompt access to family members.

Conditional probation was available, but the Government was able to revoke this status on political grounds. On April 3, the Havana Municipal Court revoked the conditional probation of Mayda Barbara Jordan Contreras, who was sentenced to 15 years for her part in a spontaneous 1994 protest known as the "Maleconazo." Jordan was reincarcerated for her failure to join proregime mass social organizations. Throughout the year, the Government threatened to return to prison dissidents who were on conditional probation and continued, or were accused of continuing, their opposition activities (see section 2.d.).

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. The authorities routinely engaged in arbitrary arrest and detention of human rights advocates. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. Au-

thorities sometimes employed false charges of common crimes to arrest political opponents and often did not inform detainees of the charges against them. During the year, the Government greatly increased its use of interrogations, warnings, fines, and short-term detentions. Authorities continued to detain human rights activists and independent journalists for short periods, including house arrest, often to prevent them from attending or participating in events related to human rights issues (see sections 2.a. and 2.b.).

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." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. The Government increasingly applied this statute during the year, and the CCDHRN estimated in November that between 2,000 and 3,000 citizens, at least 19 of them activists, were being held for dangerousness.

According to the CCDHRN, during the year authorities detained at least 152 citizens for peaceful democratic or political activity; most were held for a day or two, or for a few hours. At year's end at least 18 political prisoners were still awaiting trial; of these, three were taken into custody during the year.

Authorities sometimes detained independent journalists to question them about contacts with foreigners or to prevent them from covering sensitive issues or criticizing the Government (see section 2.a.). The Government often released activists without charges after months of detention. On January 30, State Security officials detained two Czech women who had been taking photographs of a Havana slum. The authorities denied them contact with their embassy for 11 hours and then expelled them from the country.

The Government used house arrest without due process. On March 20, State Security officials informed former political prisoner Miguel Valdes Tamayo that he would no longer be allowed to leave his home unless accompanied by a State Security official.

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 one 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.

On July 4, a court in the Holguin city of Gibara convicted Alexander Santos Hernandez, of the Cuban Liberal Movement, of dangerousness and sentenced him to four years in prison. Santos was arrested, tried, convicted, and sentenced in less than 24 hours. Colleagues said Santos had angered authorities by celebrating the movement's fourth anniversary.

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 eight hours, defense attorneys did not have time to arrange for testimony by defense experts.

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 the accused are innocent until proven guilty, but authorities often ignored this presumption in practice. The law recognizes the right of ap-

peal 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 ultimately must affirm capital punishment.

Political Prisoners and Detainees.—The CCDHRN stated that the Government held at least 283 political prisoners and detainees as of December 31; 47 of them were convicted of terrorism and 30 of dangerousness. At least three political prisoners spent the year on death row, but none was executed. The authorities incarcerated persons for such offenses as disrespect of the head of state (Angel Fernandez Rivera, sentenced on September 7 to 15 months in prison); disrespect and scorn of patriotic symbols (Yoandri Gutierrez Vargas, sentenced on July 24 to one year); public disorder (Armando Betancourt Reina, sentenced on May 22 to three years); and attempt to leave the country illegally (Yonger Robles Miranda, sentenced in 2003 to six years' imprisonment). Other charges included disseminating enemy propaganda, illicit association, clandestine printing, or the broad charge of rebellion, which sometimes was brought against advocates of peaceful democratic change. Dissidents were among the 2,000 to 3,000 citizens serving sentences of up to five years for the crime of potential dangerousness, also known as social dangerousness. 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.

On April 12, police detained prodemocracy activist Manuel Antonio Batista Perez, who was subsequently convicted of dangerousness and sentenced to two years' imprisonment. On May 20, police detained Miguel Angel Lopez Herrera of the November 30 Democratic Party for "disrespecting the head of state." He was convicted on August 30 and sentenced to three years' imprisonment. On July 12, a court in Santiago de las Vegas, Havana Province, convicted dissident Camilo Cairo Falcon of public disorder and sentenced him to one year of correctional work. Communist militants had savagely beaten Cairo in July 2005 as he and other dissidents commemorated the 1994 sinking of the "13 de Marzo" tugboat.

Mistreatment of political prisoners and detainees was widespread (see section 1.c.). Beatings were not uncommon, and many political inmates were denied privileges given to ordinary prisoners, such as access to an exercise yard or sunshine. In April at Guayabo prison on the Isle of Youth, a fellow prisoner punched political prisoner Fabio Prieto Llorente in the presence of a guard, who took no action against the attacker. Rather, the guard took Prieto to a punishment cell.

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.

During the year, the Government released a number of detainees who had been held for long periods without charge. In October and November, the Government freed without comment Ricardo Medina Salabarria, Francisco Moure Saladrigas, Mario Gonzalez Perez, Santiago Valdeolla Perez, and Alberto Hernandez Suarez. All had been taken into custody in July 2005 in connection with a protest.

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 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. The state interfered in the lives of citizens, even those who did not actively oppose the Government and its practices. The authorities employed a wide range of social controls to discover and discourage nonconformity.

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 January a government fraud inspector visited the housing complex of dissident Osmany Rodriguez Sanchez of the Jose Luis Boitel Association of Political Prisoners and found a rigged electric meter. Although the meter served the entire complex,

the inspector fined only Rodriguez, after consulting with the local CDR chief and a CP official.

State Security read international correspondence and monitored overseas telephone calls and conversations with foreigners. The Government also monitored domestic phone calls and correspondence and sometimes denied telephone service to dissidents. During the year, State Security agents subjected journalists and foreign diplomats to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes (see section 2.a.).

In mid-February state telecommunications company ETECSA terminated telephone service to Waldimar Ibarra Santana, President of the Cuban League of Independent Farmers, in Santiago. ETECSA explained that the Government had ordered the service to be shut off. On February 9, a CDR official approached Ibarra's mother and played a tape recording in which Ibarra could be heard speaking with a Radio Marti reporter. The official accused Ibarra of using the telephone to undermine the revolution.

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 husband of a dissident painter was not permitted to reside legally with his wife under the same roof in Havana. Twice during the year he was expelled to the city where the Government had ordered him to live.

The Government sometimes used the children of dissidents as a means of punishing the parents. For example, authorities occasionally threatened parents with the loss of custody of their children for taking part in counterrevolutionary activities. On April 27, a State Security officer in Santa Clara encouraged the former husband of dissident Noelia Pedraza Jimenez to seek custody of their five-year-old son, who lived with Pedraza. The officer hinted that courts would support the custody claim. On October 17, dissident Niurka Brito Rivas was jailed for three days after failing to fill out a "survey" given to her by her daughter's elementary school. The survey, which was not given to other parents, asked Brito to identify her political affiliation and economic situation. Children of dissidents were exposed to frequent intimidation and occasional violence, including sexual harassment. On February 19, dissident Maria de los Angeles Cabello reported that a teacher had sexually harassed her 12-year-old child.

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 three months and one year in prison; criticism of the President or members of the ANPP or Council of State is punishable by three 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 the Universal Declaration of Human Rights, 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.

The Government considered print and electronic media to be state property. All media must operate under CP guidelines and reflect government views. The Government owned and the CP controlled all media except for a few small, unauthorized church-run publications. The law bars "clandestine printing." The Government was the sole book publisher in the country, and state censors required prepublication approval.

Catholic church-run publications were subject to governmental pressure; however, Vitral magazine, a publication of the diocese of Pinar del Rio, continued to publish during the year, as did others. Catholic church officials were allowed to broadcast programming on September 8 to mark the celebration of the country's patron saint.

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, spread misinformation, and spread mistrust within independent journalist circles. During the year, the Committee to Protect Journalists (CPJ) condemned the Government's "constant harassment of independent journalists." It said 24 journalists were in prison merely for exercising their right to free expression. The CPJ complained that the Government continued to harass some journalists even after freeing them from prison. Citing the case of Jorge Olivera

Castillo, the CPJ noted that the Havana Municipal Court had forbidden him from leaving the capital or taking part in any public meetings.

Occasional physical attacks on independent journalists, mainly by plain-clothes assailants, occurred during the year. In April an unidentified man punched independent journalist Jose Manual Caraballo on a street in Ciego de Avila, smashed his camera, and warned that he would be destroyed, just like his camera. The same month in Havana, State Security officials detained, interrogated, and threatened independent journalist Luis Cino.

On May 14 and 15, President Castro threatened to expel accredited international journalists based in Havana for coverage that displeased the regime. Some reporters admitted to engaging in self-censorship to keep their Havana bureaus open. Reporters privately accused the Government of listening in on their calls and monitoring their activities.

The Government frequently banned foreign reporters from entering the country to cover politically sensitive developments. At least four European journalists who had complied with the country's visa requirements had their permission to enter the country revoked. A Swiss journalist was denied permission to report on the country because he had referred to the Government as "the regime." In the days following the July 31 proclamation that granted power to Raul Castro, the Government barred entry to at least 11 foreign journalists and ordered a number of others to leave within 24 hours.

On August 5, the Government released Albert Santiago Dubouchet, director of the independent Havana Press agency, from prison after he completed a one-year sentence for resisting arrest and disrespecting authorities. Dubouchet continued to maintain his innocence. He had been arrested in July 2005, after confirming for a foreign media organization a report that a home-made bomb had exploded at a government office in Artemisa, Havana Province.

On November 15, police detained independent journalist Luis Garcia Vega for four hours after he visited a diplomatic mission's Internet center. Authorities warned him that if he continued to write articles critical of the Government, he could be held indefinitely, without charge.

On December 4, State Security officials searched the home of independent journalist Ahmed Rodriguez Albacia, confiscated his computer, books, and papers, and drove him to a detention center, where he was imprisoned. Authorities told his mother that he would be held between one week and one year. The detention followed a November 24 opposition youth forum in which Rodriguez played a key role. Rodriguez was released on December 12. On December 19, three police officers detained journalist Carlos Serpa Maceira and took him to a police station, where they fined him $250 (6,000 pesos) and informed him that if he did not halt his "illegal activities"—an apparent reference to his journalism—the Government would charge him with disobedience, under Article 147 of the penal code.

Citizens who spoke with independent journalists risked government retaliation. On August 10, authorities reportedly threatened Lazaro Alvarez, a baker in Batabano, Havana Province, with the loss of his job for speaking with an independent journalist about his brother, Francisco, a farmer jailed for attempting to leave the country illegally.

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.

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. The Government continued to jam the transmissions of Radio Marti and Television Marti.

Law 88, Protection of the National Independence and Economy of Cuba, prohibits a broad range of activities, including distribution of printed material from foreign sources, that purportedly undermine state security. Many of the country's political prisoners were convicted of violating this statute.

The Government tightly controlled the distribution of information; it 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. The only citizens granted direct Internet access were some government officials and certain government-approved doctors, professors, and journalists. Foreigners, but not citizens, were allowed to buy Internet access cards from the national telecommunications provider.

From January 31 to August 31, independent journalist Guillermo Farinas waged a hunger strike at a Santa Clara hospital in an effort to obtain uncensored Internet access for all citizens.

On February 17, university officials held a meeting at the University of Information Sciences (UCI) to castigate six students caught running chat rooms and using school servers to sell Internet access to others. UCI suspended the six students for between four and five years.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and continued to emphasize the importance of reinforcing revolutionary ideology and discipline. Academics were prohibited from meeting with some diplomats without prior government approval. Academics whom the Government allowed 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, estimated that at least 300 educators were struggling financially during the year, having lost their jobs on political grounds because they were deemed "untrustworthy." Some had been dismissed from the education system for having tried to flee the country illegally. State Security intervened in academic matters. Hunger-striking dissident Guillermo Farinas alleged in May that State Security agents had visited Havana's Superior Institute of Health Sciences, which Farinas attended, and altered his academic file, lowering his grade-point average from 4.51 (on a five-point scale) to 4.0.

State Security blocked or interrupted occasional conferences organized by the Cuban Independent Educators' College, including one on May 20 in Havana.

Government-controlled public libraries denied access to books or information unless the requester produced a government letter of permission.

The Government frequently harassed and sometimes detained independent librarians. On April 10, police detained Aini Martin Valero three days after she opened an independent library in Havana. Martin, who belongs to the Trade Union of Independent Cuban Workers, regained her freedom after several hours.

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 three 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. Authorities sometimes used or incited violence against peaceful demonstrators.

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, including the Association of Independent Teachers, the Association of Independent Lawyers, the Association of Independent Architects and Engineers, and several independent journalist organizations. The constitution proscribes any political organization other than the CP (see section 3).

Recognized churches (see section 2.c.), 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.

The Government punished other citizens for associating with dissidents. On May 13, police in Havana fined Carlos Prieto Fresco and threatened him with arrest for "meeting with counterrevolutionary elements." Hours earlier, Prieto and others in the neighborhood of Arroyo Naranjo had protested the arrest of their neighbor, dissident Odelin Alfonso.

The Government confiscated funds sent from overseas to banned human rights organizations, NGOs, and independent labor unions. In May officers from State Security's economic crimes bureau reportedly raided the home of Maybel Padilla Perez, head of the illegal Unitary Council of Cuban Workers. The Government reportedly seized a sizeable donation from a European NGO. On some occasions, government officials stole money from prodemocracy activists during searches. On September 28, State Security officials visited the home of Jose Luis Pitaluga and took $325 (7,800 pesos).

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 requires churches and other religious groups to enroll with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice the Government appeared to halt registration of new denominations, although no groups were known to have applied for registration during the year.

The Government continued to allow foreign priests and religious workers into the country to replace foreign priests and nuns who had died or whose residence permits had expired. In June 2005 the Government eased its restrictive policies and granted work permits to at least eight foreign priests and 14 foreign nuns who entered the country as nonreplacements. The applications of 104 priests and nuns remained pending. For the first time in many years the Government allowed into the country three new Catholic congregations, or orders, including Franciscan nuns from Colombia.

The Ministry of Interior sought to control and monitor religious institutions, particularly through surveillance, infiltration, and harassment of religious professionals and practitioners. State Security officials visited priests and pastors prior to significant religious events to warn that dissidents were trying to "use the church."

Although it did not favor any one particular religion or church, the Government appeared to be most tolerant of those churches that maintained close relations to the state through the Cuban Council of Churches (CCC), which existed to ensure that members did not oppose government policies.

On December 4, authorities placed a Protestant pastor, Carlos Lamelas, on trial in Havana on charges of "human trafficking." However, a new prosecutor absolved him, declaring that there was no evidence for the charges. Observers believed Lamelas was targeted for his outspoken calls for increased religious liberty; Lamelas was imprisoned without charge for four months earlier in the year. He was the former President of the Church of God denomination, a member of the CCC.

There continued to be reports of discrimination in schools; Jehovah's Witness children were denied participation in school field trips because of their religion.

Officials of various groups reported cases of persons engaged in religious practices experiencing harassment because of ignorance or personal prejudice by a local official. In February at Havana's Combinado del Este prison, prison authorities broke up a prayer group of more than 15 inmates, without explanation.

The Government, with rare exceptions, prohibited the construction of new churches, forcing many growing congregations to seek permits to meet in private homes. Most registered religious groups were able to hold services in private homes. House churches have grown in number in recent years; Christian Solidarity Worldwide estimated that there were at least 10,000 house churches nationwide. Many religious leaders attributed this growth to the Government's refusal to authorize the construction of new churches.

However, in 2005 the Government implemented a directive that restricted the operation of house churches. Directive 43 and Resolution 46 require house-church operators to register their house churches with the Government, thus "legalizing" their existence. The vast majority of house churches were unregistered and thus technically illegal.

A leading Baptist church official estimated no more than 20 of the 1,500 Baptist house churches in the western region had been legalized by the time the directive was issued in April 2005. 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, 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.

Church officials from a number of denominations said that the Government had made the 2005 regulations against house churches widely known but had not undertaken sweeping action to implement the new rules. Some Pentecostal church officials considered themselves singled out by the directive, and a Baptist church leader also judged it a threat. At least one Baptist church leader criticized the requirement that a house church not be located within 1.2 miles of another house church, arguing that the directive would be difficult to obey in a congested city.

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 must be imported through a registered religious group and may be distributed only to officially recognized religious groups.

The CCC continued to broadcast a monthly 15-minute radio program on condition that it not include material of a political nature.

Religious groups were required to submit a request to local CP officials before being allowed to hold processions or events outside of religious buildings. The Catholic Church decided to stop requesting permits for processions in areas where they historically have not been permitted.

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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—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 law allows all citizens to travel anywhere within the country, residence is heavily restricted, thus impeding the right to move. The local housing commission and provincial government authorities consider requests for change of residence largely on the basis of housing space. During the wait for permission, which routinely lasts six months or more, the applicant cannot obtain food rations or a local identification card. Anyone from another province living in Havana illegally may be fined and sent home. While the regulation was in effect nationwide, it was applied most frequently in Havana.

Residency law was enforced selectively against dissidents. On August 7, a court in Havana informed independent journalist Carlos Serpa Maceira that he was living in the capital illegally and could be fined $125 (3,000 pesos).

Between February 14 and 19, Communist militants blocked the Havana home of dissident Martha Beatriz Roque, barring entry by saying that Roque was no longer entitled to receive visitors. The militants physically threatened visitors, deployed at least one attack dog, booby-trapped the street so visitors to Roque would have their tires punctured, and stationed State Security officials at both ends of Roque's block.

The Government routinely detained activists or thwarted their travel plans. State Security officials across the island took steps to prevent Ladies in White from traveling to Havana to take part in a march that marked the third anniversary of the Black Spring crackdown in which 75 peaceful activists were jailed. Members of the group were blocked in Ciego de Avila, Puerto Padre, Sancti Spiritus and other cities (see section 1.c.).

On November 24, authorities in the eastern provinces blocked at least 11 youth activists from attending an opposition youth forum in Havana. In most cases, police or political police confiscated their identification cards, forcing the activists to return home.

On April 26, dissident Elsa Morejon of the Lawton Human Rights Foundation was heading to an opposition event when she hailed a taxi. Two State Security officials forced their way into the cab and instructed the driver to head to Morejon's house, where she was dropped off.

Throughout the year, authorities in the Villa Clara city of Manicaragua denied dissidents access to bus stations, restaurants, recreational facilities, and sports fields and prevented them from receiving visitors at home.

Citizens who visited certain foreign diplomatic missions faced retaliation ranging from detention and physical assault to loss of employment. On May 22, food service worker Juan Alberto de la Nuez lost his job in Aguada Municipality, Cienfuegos Province, three days after visiting a foreign diplomatic mission in Havana. The com-

pany's director made clear that he viewed any such visit as an attempt to conspire against the Government.

The Government imposed restrictions on 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 1,000 citizens who received foreign travel documents, or their dependents, were denied exit permits during the year. Most were doctors, nurses, and other health professionals. Others denied exit permits included young 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 three to five years of service in their profession after requesting permission to travel abroad. As of September 28, no fewer than 91 doctors, 73 nurses, and dozens of other medical professionals were in this category. Adrian Elias Rodriguez Noa, a doctor in Santiago, said on October 5 that he, his wife, and their two children had been waiting five and a half years for the Government to authorize his exit.

The Government banned some medical and other professionals who were denied exit permits from working in their occupational fields or subjected them to arbitrary punishment. Others were allowed to continue to work but were transferred for political reasons to inferior clinics, often in areas far from their homes.

The Government also systematically denied exit permits to some men of military age, usually those ages 18 to 27 facing obligatory military service. However, in most cases involving migration under the 1994 U.S. Cuba Migration Accords, the applicants eventually received exemption and were granted exit permits.

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 11 years. In addition, Molina's elderly mother was not allowed to apply for exit permission; her application in May for a passport was not acted upon by year's end.

The Government denied exit permission to human rights activists who held valid foreign travel documents and hoped to claim awards or other honors overseas. In May the Government denied Oswaldo Paya permission to travel abroad to receive an honorary degree. On October 16, the NGO Human Rights First awarded its annual human rights prize to the Ladies in White (and another co-winner), but the Government denied them exit permission, and they were unable to attend the ceremony.

The Government used both internal and external exile to control internal opposition. 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 one to 10 years. Under this provision, authorities may exile any person whose presence in a given location is considered "socially dangerous." On February 21, the Old Havana Municipal Court informed independent journalist Jorge Olivera Castillo, a conditional parolee, that he was no longer allowed to leave the city of Havana without explicit government permission. The Government also informed Oscar Espinosa Chepe, Margarito Broche, and Roberto de Miranda, all of whom had been imprisoned with Olivera in the aftermath of the March 2003 crackdown on dissidents, that they were prohibited from travel outside their cities of residence without specific approval.

The Government routinely warned emigrating dissidents or their family members that if they were to speak out against the Government overseas, their relatives on the island would suffer retaliation. Such retaliation typically included the threatened loss of jobs or loss of permission to leave the island.

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. In August refugee applicants reported a general increase in harassment, citations, and detentions. Some reported being placed in house arrest for six to 12 months. On August 31, a Santa Clara-based dissident reported that one week before he was scheduled to leave the country with government permission as a refugee, the Government informed him that it had revoked his exit permit and that although his family was free to leave, he would have to wait another year or two. The dissident had already turned over possession of his house, belongings, and ration card and would be homeless.

Migrants 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 amount to approximately 23 months' salary for the average citizen. Migrants to the United States faced an additional charge of approximately $720 (18,000 pesos, or five years' salary) for adults and $480 (12,000 pesos) for children. These fees rep-

resented 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 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 law provides for imprisonment of up to three 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 escaping the country. 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. On March 18, maritime border authorities intercepted a makeshift vessel in which several dissidents, including Iovany Aguilar Camejo and Luis Angel Medina, were attempting to flee the country. They were fined $208 (5,000 pesos), approximately 22 months' wages for the average worker.

Protection of Refugees.—Although the country is not a party to the 1951 UN 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 they feared persecution, including to some fugitives from justice, whom it defines as refugees for political reasons.

The Government had an established system to provide assistance to refugees. During the year, 22 persons applied for refugee status; 19 were approved. According to the Office of the UN High Commissioner for Refugees (UNHCR), there were 83 refugees in the country. The Government cooperated with the UNHCR and provided temporary protection to a small number of persons.

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

On July 31, the President's chief of staff announced that President Castro had been incapacitated by surgery, leaving Raul Castro in charge of the country. The Government's succession announcement allowed no participation for citizens in the decision-making process. Instead, existing undemocratic institutions, such as the Armed Forces, Communist Party, and ANPP, were called upon to rubber-stamp the succession.

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. The constitution defines socialism as its "irrevocable" basis and proscribes any political organization other than the CP. Candidates for provincial and national office must be approved in advance by mass organizations controlled by the Government. In practice a small group of leaders, under the direction of the President, selected the members of the highest policymaking 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. The Government continued to reject the petition for a national referendum on political and economic reforms known as the Varela Project, which contained more than 40,000 signatures. On May 10, exactly four years after he personally delivered the Varela Project petition to the National Assembly, Oswaldo Paya of the MCL unveiled his proposal for a modified, democratic constitution. In a document titled "Program for All Cubans," Paya, with input from at least 12,000 participants, called for a legal framework that would embrace multiple political parties, private enterprise, and "social justice."

Varela Project organizers continued to collect signatures in support of their proposal; however, activists reported increased harassment by State Security agents. Authorities arrested and detained Varela activists, confiscated signatures, fined and threatened activists and signers, and forced signers to rescind signatures. State Security agents impersonated canvassing volunteers and increasingly infiltrated the ranks of activists. On February 6, police in the Pinar del Rio community of San Cristobal threatened to charge Varela Project signature collector Humberto Vigoe Chirino with dangerousness.

The Government not only refused dissidents political participation but linked them to crimes that there was no evidence they had committed. On July 11, authorities at a bus terminal in Santiago allegedly found an abandoned packet containing an explosive device rigged to a watch. Hours later, CP and UJC officials held a mass meeting at a city plaza and reportedly said they would not permit dissidents to carry out terrorist acts. Dissidents said the move was aimed at discrediting the peaceful opposition.

There were two women in the 22-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 six seats in the 24-member Politburo. Following the selection of the new ANPP in 2003, the Government reported its composition as 67 percent white, 22 percent black, and 11 percent mixed race.

Government Corruption and Transparency.—Independent and official press reported incidents of government corruption. During the year, the most prominent case involved Juan Carlos Robinson Agramonte, a Politburo member who was removed from his position on April 28 for "improper conduct and attitude." On June 16, a Havana court convicted him of influence peddling and sentenced him to 12 years in prison. Separately, the head of the Customs service told state media that during the first six months of the year, it had fired 18 persons and prosecuted nine of them for "inappropriate conduct." State media also reported that during this time frame, 66 persons were reprimanded or otherwise punished for offering bribes to Customs officials, mainly to avoid baggage checks or to be allowed to bring certain items into the country. The Customs officials were also either fired or prosecuted.

During the first few months of the year, the Government relied on young adults, pressed into service as "social workers," to fight graft at gas stations and other sites. In March the Government started deploying "all-around" inspectors, many of them older revolutionaries, to fight corruption and other economic crimes at agricultural markets, stores, tourist centers, and elsewhere.

According to the CCDHRN, prison guard corruption was common throughout the country, but the Government sometimes applied bribery charges selectively to dissidents instead. In June authorities at Manto Negro women's prison in Havana threatened to prosecute dissident Maria de los Angeles Borrego Mir for attempted bribery, a charge that could carry a four- to eight-year sentence. Borrego, serving four years for dangerousness, allegedly asked a guard to buy her a pack of cigarettes.

The CCDHRN stated in October that it had received many reports of prostitutes providing sexual favors to police, to avoid arrest. Corrupt police sometimes detained women on false charges of prostitution, either to extract bribes or obtain sexual favors. On January 22, Havana resident Elia Vidal Perez was walking down the street with a female friend when two police officers approached, asked to see their identification cards, and took them to a police station. That night, an Interior Ministry official allegedly informed Vidal that she would be free to leave if she had sex with him.

Government officials occasionally engaged in shakedowns involving citizens legally residing overseas who were returning home to the country to meet with relatives. Customs officials illegally confiscated the belongings of some such visitors or requested unauthorized fees to pass through the customs process.

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 Attitude 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 MCL, 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.

State security officials often infiltrated human rights organizations and subjected them to constant surveillance. Public identification of state security officials posing as activists was a crime punishable by eight to 15 years' imprisonment. State Security also tried, where possible, to turn human rights activists into informants, often through blackmail. On August 25, a State Security officer in Havana invited independent labor activist Aurelio Bachiller Alvarez to work with State Security, hinting

that the officer could use his influence with the courts to get Bachiller's 17-year-old son released from prison.

The Government took various steps to restrict the operation of domestic NGOs that criticized the Government's human rights policies. The Government convicted some members of human rights NGOs and sentenced them to lengthy sentences.

The Government also staged many acts of repudiation (see section 1.c.), 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. Most such events were held in front of the activist's home.

On some occasions, the Government seized the property of NGO members. In May the Government informed Felix Bonne Carcasses of the Assembly to Promote Civil Society that it was taking legal possession of his Havana home's backyard, which in May 2005 was the site of the country's largest dissident gathering in years. Authorities turned the yard into a park, where militants staged frequent political rallies, many targeting Bonne. On May 31, police and State Security officers in the Holguin city of Moa raided the Pedro Luis Boitel No. 3 independent library and confiscated books and other written materials, a portable shortwave radio, and 11 compact disks. The authorities also arrested the librarian, Felipe Disnayd Ramos Leiva, but released him after a relatively brief incarceration.

The Government also prosecuted, or threatened to prosecute, members of human rights groups for dangerousness. On March 8, State Security officials in the Holguin city of Banes issued official warnings to at least four human rights activists, including Guillermo Llanos Ricardo, threatening to incarcerate them for dangerousness.

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 (see section 2.d.).

The Government rejected international human rights monitoring, did not recognize the mandate of the UNCHR, and refused to acknowledge requests by the Personal Representative of the UN High Commissioner for Human Rights to visit the country. On September 26, the personal representative, Christine Chanet, told the UNCHR that the country had not cooperated with her on the investigation of its human rights situation. She said the country had failed to improve its human rights record and criticized the Government's censorship and its detention of dissidents.

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 prohibits threats and inflicting injuries, including those associated with domestic violence. Human rights advocates reported that violence against women was a problem, and police often did not act on cases of domestic violence. Violent crime rarely was reported in the press, and the Government did not release data on the extent of domestic violence. However, on August 4, the press reported that domestic violence rates were increasing.

To raise awareness about the problem, the Government carried out a campaign on television and in the press during the year, reminding the public that domestic violence is illegal. However, judges remained extremely reluctant to issue a restraining order in the event of a domestic dispute. On November 27, the CCDHRN said that domestic violence occurred within a culture of impunity in which it is considered "normal" for a man to beat his wife, and that pervasive male chauvinism impacted negatively on domestic violence victims. Many women did not report acts of domestic violence because they feared doing so could trigger another attack.

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 four 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.

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 street police officers were suspected of providing protection to individuals engaged in prostitution, who were numerous and visible in Havana and other major cities.

The law provides penalties for sexual harassment, with potential sentences of three months' to five years' imprisonment. The Government did not release any sta-

tistics 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.

Sexual harassment was one of many means the Government used to inflict suffering on dissidents or their family members. A favorite tactic involved strip-searching dissidents' wives. On January 5 at Canaleta prison in Ciego de Avila, guards ordered the wife and daughter of Adolfo Fernandez Sainz to submit to a strip search. On May 18 at Kilo 5.5 prison in Pinar del Rio, guards ordered the wife of political prisoner Normando Hernandez to completely disrobe and perform deep knee bends before visiting her husband. On June 15 at the same prison, guards forced the elderly mother, wife, and 15-year-old daughter of political prisoner Horacio Pina to be strip-searched.

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 98 percent of primary-school-age children were enrolled in school during the 2005–06 school year and that attendance by secondary-school-age children was 91 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, although there were notable weaknesses in this system. The UN Children's Fund reported high vaccination rates for childhood diseases. Children up to age seven 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 (see section 5, Trafficking). 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 two to five 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 state-run hotel workers, 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. The Government prosecuted some persons involved in child prostitution and forced some foreign suspects to leave the country. The Government prosecuted some persons involved in child pornography and assisted other countries in international investigations of child sexual abuse.

Child endangerment received little coverage in state media. On April 17, state media announced that the Government would prosecute seven women for endangering their children, aged one to 14, during a bungled attempt to leave the country illegally. Between April 3 and 5, the children had gone without food or water and trekked through a mosquito-filled swamp in Pinar del Rio Province.

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 all forms of trafficking in persons. However, there were reports that women were being 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,

there were reports that some women married Mexican nationals in order to migrate but were held against their will at Mexican brothels or strip clubs. In addition, 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. Anecdotal information indicated that victims generally came from poor families, but other sources reported the phenomenon at all levels of society, including families of senior CP and 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 from 10 years to life in prison for trafficking for purposes other than prostitution. Civil penalties are referred to as "responsibilities" and, for an offense such as damaging a government-owned boat, can include indemnifications, pensions, or other reparations. The CCHRN stated that in cases of internal trafficking, rather than bring a trafficking charge against an individual, the Government might charge him or her 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 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, including underage prostitutes.

There were no reliable statistics on the number of traffickers prosecuted or convicted during the year. However, the CCDHRN stated that in the past three to four years, the Government prosecuted or convicted between 40 and 60 people for "illegal traffic in persons." 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 people 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, although a Havana-based NGO that focused on women's rights publicized the plight of poor prostitutes. The Government did not coordinate on trafficking-related matters with international organizations or NGOs operating in the country.

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. Non-whites, who comprised an estimated 50 percent or more of the population, constituted an estimated three-quarters of the country's prison population.

An Afro-Cuban human rights activist, Andres Sabon Lituane, reported in April that his daughter studied gastronomy and found work at a Chinese restaurant. However, her employment was short-lived; the manager told her black people had no business working at a Chinese restaurant.

Race sometimes surfaced as an element in mob actions against human rights activists. On July 18 in Santa Clara, Communist militants chanted insults at Afro-Cuban Noelia Pedraza Jimenez.

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. However, in mid-year television aired a soap opera with a homosexual subplot, which had the effect of partially destigmatizing homosexual behavior.

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. In November the Cuban Commission for Human Rights of People with HIV/AIDS (CCDHPHS) said state medical professionals frequently failed to respect confidentiality, with the result that sufferers' condition was known widely throughout their neighborhoods. At hospitals, rooms holding HIV-positive patients were clearly marked as such, as were the patients' smocks. Some persons with HIV/AIDS suffered job discrimination, or were rejected by their families. The CCDHPHS stated that doctors often offered shoddy treatment or none at all to patients with HIV/AIDS and that the Government offered "cocktail" medications only to sufferers whose condition was advanced. The group also complained that at many hospitals, HIV/AIDS sufferers were turned away in favor of foreign medical tourists.

The Government operated four prisons exclusively for HIV/AIDS sufferers; some inmates were serving sentences for "propagating an epidemic." Activists said the prisons, while well-intentioned, failed to deliver on necessary services and became dysfunctional institutions.

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.

On March 14, MIOA member Juan Francisco Sigler Amaya lost his job at the Free Cuba sugar refinery in the Matanzas city of Pedro Betancourt. A government official subsequently told Sigler that he was fired because he had met at his home with people opposed to the ideological principles of the revolution. On May 31, CP officials in the Holguin town of Moa reportedly organized a meeting at the Nickel Union Services Enterprise to seek the expulsion of employee Omar Perez Torres, a prodemocracy activist. After independent journalists publicized his case, Perez was able to retain his job as a driver, and at year's end continued to work under "strict vigilance."

Several small independent labor organizations operated without legal recognition. These organizations also were subject to infiltration by government agents and were unable to represent workers effectively or work on their behalf.

The Government harassed labor leaders. On August 10, State Security officials searched the Havana home of Aurelio Bachiller Alvarez, secretary general of the National Confederation of Independent Workers of Cuba. The officials, who did not produce a search warrant, accused Bachiller of planning to hold a dissident event. On May 24, approximately two dozen independent labor leaders met in Havana to launch a training program designed to teach workers about their rights according to international labor standards. Among the organizers of the event was Carmelo Diaz Fernandez; police detained Diaz briefly on September 15 and searched his home without a warrant on September 28.

The Government continued to incarcerate independent labor activists, including Pedro Pablo Alvarez Pedroso, President of the Unitary Workers Council, 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 (see section 6.e.). Human Rights Watch stated that the required reliance on state-controlled employment agencies left workers without any ability to directly negotiate wages, benefits, the basis of promotions, or the length of the workers' trial period at the job with the employer. 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 (see section 1.c.). 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 there were reports that such practices occurred (see section 6.d.).

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 seven 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.

The Government took steps to identify child labor and rectify the problem.

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, 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. Workers were occasionally asked to work overtime at the nonpremium pay rate; refusal to do so could result in a notation in the employee's official work history that could imperil any subsequent request for vacation time.

In October a lawsuit was filed in a foreign court alleging that workers employed at a ship repair company were forced to work 112 hours a week and that numerous occupational safety and health violations took place at the company.

Laws providing for workplace environmental and safety controls were inadequate, and the Government lacked effective enforcement mechanisms. Labor activist Carmelo Diaz Fernandez said in October that construction workers were at risk because they worked on scaffolding without safety lines. Others in danger, he said, were workers exposed to electrical lines and chemicals without protective gloves or masks. The Government reported that in the first half of the year, 49 workers died in work-related accidents. By profession, the most common victims were soldiers, drivers, and stevedores. 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 May 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 poor prison conditions, 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.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On February 10, the director of public prosecutions (DPP) dismissed the case of police officers charged with the February 2005 beating, shooting, and killing of Clifford Ambo. The February 2005 case of prison guards beating to death Henson Joseph was still under review by 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.—While the law prohibits such practices, there were reports that police used excessive force while making arrests, including two documented cases during the year. Both victims chose to sue the police for damages.

On February 17, police officers allegedly attacked and beat Derwin Peltier. Police claimed that Peltier was intoxicated and attacked them, and they used force only to subdue him. Similarly, in February a police officer allegedly beat Edward Bruney with the butt of his gun. Because these men chose to file civil suits, internal police review tribunals were suspended until the civil suits concluded. At year's end both cases were still before the civil courts.

All six cases of excessive force brought against police officers in 2005 were still pending at year's end. The police force's internal disciplinary tribunal found three police officers guilty, and all three appealed to an independent appeal board. Two cases were still before the internal tribunal, while the Police Commission, DPP, and attorney general ruled that one case was sufficiently severe to bring criminal charges against the officer. At year's end this case was still before the magistrate's court.

Prison and Detention Center Conditions.—Prison conditions were poor. The buildings at the country's single prison, Stock Farm, were in disrepair; conditions remained unsanitary; and overcrowding was a serious problem. The prison held 301 prisoners in a facility designed for fewer than 200 inmates.

Juvenile detainees were held with adults, and pretrial detainees were held with convicted prisoners, due to a lack of separate facilities.

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 law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Prime Minister's office oversees the Dominica Police, the country's only security force. The 411-officer force effectively carried out its responsibilities to maintain public order. The police have a formal complaint procedure to handle allegations of excessive force or abuse by police officers. Corruption was not a problem within the police force.

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 were unable to bring a detainee to court within the requisite period, the detainee could 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.

e. Denial of Fair Public Trial.—The law 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 law provides for the right to a fair trial before an independent, impartial court, 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 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. 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.

On August 24, the government-sponsored radio station, Dominica Broadcasting Service (DBS), chose not to air a radio program entitled "Gates of Health," allegedly because of pressure from the Ministry of Health. The program documented conditions at Princess Margaret Hospital, and the journalist responsible for the program performed his research, including interviews, while disguised as a patient. The journalist alleged that the documentary was cancelled because of its negative portrayal of the medical system. DBS and Ministry of Health officials claimed that DBS cancelled the program because of the clandestine manner in which it was researched, citing breaches of confidentiality.

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 could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas. 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 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 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. On February 21, the Government formally recognized the Church of Jesus Christ of Latter-day Saints, which had been seeking full authorization since 2004.

Societal Abuses and Discrimination.—There was no organized Jewish community, and there were no reports of anti-Semitic acts. Rastafarians complained that the use of marijuana, an aspect of their religious rituals, was illegal and that their members were victims of societal discrimination, especially in hiring.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

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

Protection of Refugees.—Although the country is a signatory to the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not formulated a policy regarding refugees or asylum. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution, but did not routinely grant refugee status or asylum.

After the fall of the Aristide government in Haiti in 2004, thousands of Haitians fled to Dominica. However, none of these Haitians had requested refugee status by year's end. Although the Haitians normally entered legally, many only used the country as a transit point and attempted to depart illegally for the neighboring French territories of Martinique or Guadeloupe. In September, as an incentive to enter and exit the country legally, the Government began charging Haitians $400 (EC$1,000) when entering the country and promised to return the funds upon legal exit from the country. The refundable entrance fee had little effect on the numbers of Haitians departing illegally. There were no reported cases that any Haitians were trafficked against their will.

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.

Elections and Political Participation.—In May 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. Although the country has a history of holding free and fair elections, impartial election observers were not present to verify the results. In April the Eastern Caribbean Court of Appeal dismissed for lack of evidence petitions brought in 2005 by the UWP that disputed the results in five constituencies.

There were two women in the 30-seat legislature: an elected parliamentary representative who also served in the cabinet and a senator appointed by the President.

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.—There were no reports of government corruption during the year.

The law does not provide for public access to government information, and the Government did not provide such access in practice.

Section 4. Governmental Attitude 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.

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 it in practice.

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 ap-

pear 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.

The DNCW, a nongovernmental organization (NGO), provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. It assisted approximately 70 persons during the year. 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 three weeks. Because of the country's small size, 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.

The law criminalizes rape, which can include spousal rape. Whenever possible, female police officers handled rape cases. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, the normal sentence given was five to seven years, except in the case of murder. The Women's Bureau of the Ministry of Community Development 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.

Prostitution is illegal but was a problem. Although women from the Dominican Republic reportedly traveled to the country to work as prostitutes, there was no evidence that they were trafficked.

The law does not prohibit sexual harassment, and it remained a problem.

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. The Labor Department reported that many rural women found it difficult to meet basic economic needs, which resulted partly from the continuing decline of the banana export industry. There was a 53 percent unemployment rate for women. Although there were some women in managerial or high-level positions, most women worked as shopkeepers, nurses, or in education.

The Gender Bureau of the Ministry of Community Development and Gender Affairs is charged with promoting and ensuring the legal rights of women. The bureau provides lobbying, research, support, counseling, training, and education services. The Gender Bureau worked with the DNCW and other organizations to celebrate the 16th anniversary of the 16 Days of Activism to End Violence against Women. From November 25 through December 10, these organizations ran a number of projects, including marches and television broadcasts, to promote the International Day for the Elimination of Violence against Women, World AIDS Day, and International Human Rights Day. In December 2005 the Gender Bureau and DNCW, along with other related government bodies and NGOs, launched a two-year, UN-sponsored program designed 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. In September 2005 the Government made secondary education universal, and a year later approximately 87 percent of secondary school-age children attended school.

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. As of October the Welfare Department of the Ministry of Community Development and Gender Affairs received 143 reports of child abuse, compared with 152 in all of 2005. This included 78 cases of sexual abuse, 25 cases of neglect, 18 cases of physical abuse, four cases of emotional abuse, and 18 cases of multiple types of abuse. Of these 143 cases, at least 84 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 trafficking in persons, specifically involving forced labor, commercial sexual exploitation, and smuggling illegal migrants. There were no reports that persons were trafficked to, from, or within the country. Persons convicted of trafficking are subject to a fine of $37,500 (EC$100,000) and up to seven years in prison.

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. Labor laws authorize employment of persons with disabilities for less than the minimum wage to increase employment opportunities for such persons (see section 6.e.).

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 two secondary schools in nearby communities attended by Kalinago children. In September the Northern Education Complex, a technically advanced school, opened, and the number of students from the Carib Territory attending secondary school increased significantly. 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 five 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 face, the Ministry of Education covered tuition for Kalinago students at the Dominica State College, awarded scholarships to Kalinago students for study throughout the Caribbean, and sent the Karifuna Cultural Group on a three-month tour throughout the country to promote Kalinago culture. On May 1, the Government opened the Kalinago Barana Aute (Carib Cultural Village by the Sea) to promote Kalinago culture and contribute to the socioeconomic development of the Kalinago people by providing employment, teaching skills, and fostering cooperation among them.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals occurred.

The Government and the Dominica Planned Parenthood Association (DPPA) initiated programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them. The Ministry of Health programmed various television spots and radio discussions on "Know Your Status," a theme promoting free HIV testing and counseling. On World AIDS Day, the DPPA sponsored a march to raise awareness of free testing and counseling.

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. The National Workers Union pursued a case on behalf of a shop steward who allegedly was dismissed for union activities in 2003. At year's end the steward had not yet been reinstated, and this case remained unresolved.

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. The Labor Office recognized that this law was rather broad and should be updated.

In 2004 a court found in favor of the Government in a case brought by the Public Service Union (PSU) concerning the legality of government cost-cutting measures. In November the Eastern Caribbean Supreme Court took leave of the case, allowing an appeal to be presented to the Privy Council in the United Kingdom. At year's end PSU lawyers were preparing the appeal.

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 principle. 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, but these were last revised in 1989. The minimum wage rate for some categories of workers (for example, 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 five 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 9.2 million, including an estimated 650,000 to one million undocumented Haitians. In August 2004 President Leonel Fernandez of the Dominican Liberation Party (PLD) was elected for a second (nonconsecutive) term, and in

May the PLD won majorities in both chambers of Congress during congressional and municipal elections. Impartial outside observers assessed both elections as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

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; severe discrimination against Haitian migrants and their descendants; widespread perceptions of corruption; violence and discrimination against women; child prostitution and other abuse of children; trafficking in persons; and disregard of fundamental labor rights.

The Government's new police chief implemented changes that diminished the level of killings and other abuse carried out by security forces and in some cases prosecuted those suspected of misconduct. Continued implementation of the new Criminal Procedures Code provided detainees additional protections, enhanced due process, and improved respect for detainee rights.

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, security forces were involved in many killings that were unlawful, unwarranted, or involved excessive use of force.

According to the Attorney General's office, security forces killed 361 persons during the year, a 36 percent decline from 2005. The office stated that most (298) of these deaths resulted from "exchanges of gunfire" in the course of arrests, which required officers to act in self-defense. However, that office's data were not always updated to reflect the results of internal police investigations; at least one unjustified police killing was left off its list. According to the National Commission on Human Rights, many killings were related to aggressive tactics on the part of the police.

In July citizens protested in Bonao following news that two police officials detained for killing a local businessman had "escaped" from their holding cells the day after the incident took place. On July 6, the officials allegedly killed the victim, Joesi Marte Nunez, after he accused them in a police report of assaulting his family and stealing $1,700 (50,000 pesos) from their business. Police captured the alleged killers on July 15 and brought charges against two additional police officers; all four awaited trial at year's end. A subsequent investigation resulted in the firing of several other police officers, including Colonel Antonio Cepeda Urena, who had served as director of the city's police detachment.

On July 24, there were protests at the funeral service in Navarrete for Luis Manuel Ventura, a 25-year-old leader of the Broad Front for People's Protests (FALPO), a local leftist organization. Although authorities initially classified his killing on July 23 by police as occurring during an exchange of gunfire, witnesses disputed this account, claiming that Ventura had been dragged by persons dressed in police uniforms from a family funeral service and shot in full view of other mourners. Authorities arrested two police sergeants and charged them with homicide in connection with the case, and at year's end they remained in preventive detention pending the outcome of their trial.

On September 25, the police killing of another FALPO member sparked more protests in the same community. Police had initially classified the killing of Elvin Amable Rodriguez, a FALPO leader and spokesman, as an exchange of gunfire, but witnesses claimed that police dragged Rodriguez from a neighborhood corner store, hooded him, and executed him in view of his companions. After a subsequent investigation corroborated witness reports, the police chief ordered the arrest of two officers on murder charges and the immediate replacement of every officer assigned to the Navarrete police unit.

Human rights organizations, while conceding that the situation improved somewhat during the year, stated that the police employed unwarranted deadly force against criminal suspects as in previous years, and uniformed vigilantism persisted on a less-than-deadly level (see section 1.c.).

The new police chief implemented changes that diminished the level of killings and other forms of abuse carried out by security forces. As a result, authorities investigated many of those suspected of misconduct, suspended them from their duties, and in some cases prosecuted them (see section 1.d.). However, some cases previously referred to courts for investigation remained unresolved or resulted in the release of the accused. In August the trial of two former policemen accused of mur-

dering a 12-year-old girl, her aunt, and a suspected criminal in 2005 was again postponed. This most recent delay ignited protests in Santiago, where the victims resided.

Nongovernmental organizations (NGOs) alleged corruption among the military and migration officials stationed at border posts and noted that these officials sometimes facilitated the illegal transit of Haitian workers into the country. In January authorities indicted seven military officials accused of accepting bribes to permit the entry of Haitians, 25 of whom died from asphyxiation while being smuggled in the back of a truck (see section 5, Trafficking).

A number of deaths occurred in custody due to negligence by prison authorities (see section 1.c.).

On a number of occasions citizens attacked Haitians in vigilante-style reprisals for violent crimes allegedly committed by other Haitians. In some cases the Haitians targeted were killed.

In March citizens beat two Haitians, doused them with gasoline, and set them on fire in the rural community of Las Matas de Farfan. The victims, who suffered severe burns over most of their bodies, later succumbed to their injuries and died. The attack was provoked by the murder of a Dominican man, allegedly by four persons of Haitian descent.

In January men dressed in military uniforms were seen setting ablaze more than 30 dwellings in the Haitian community of El Fao, near Santo Domingo. This was reportedly an act of reprisal for the killing of an air force sergeant by an unidentified Haitian, although in fact the sergeant had been killed by a police officer. The secretary of the armed forces later disputed the allegations of military involvement, attributing them to NGOs seeking to tarnish his agency's reputation.

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 torture, beating, and physical abuse of detainees and prisoners, security forces personnel, primarily mid-level and lower-ranking members of the police, continued such practices. However, improvements in oversight and awareness resulted in a decrease in alleged incidents of torture and physical abuse of detainees. The public defender's office made regular visits to prisons, which enabled it to report cases of torture and maltreatment of prisoners.

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. New abuse and torture cases were remanded to civilian criminal courts as they arose.

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 prison monitors and other observers agreed that conditions improved during the year, human rights groups reported repeated instances of physical abuse of detainees, most commonly beatings.

On October 3, authorities placed two police officials in preventive detention pending torture charges and released a third official on bail. The victim, Dionisio Contreras, had filed a complaint with the public prosecutor alleging that the officials handcuffed and repeatedly beat him in order to force him to confess to stealing a handgun. In a sign of the National Police's improved responsiveness towards allegations of abuse, the suspects were immediately suspended from their duties and imprisoned pending the charges.

There were reports of violence against demonstrators and protesters by members of the security forces (see section 2.b.).

According to the National Commission on Human Rights, military and police officials harassed, beat, and randomly deported Haitians as well as citizens who appeared to be Haitians (see sections 2.d. and 5).

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 (see section 1.d.). Some evidence indicated that assistant prosecutors at times acquiesced in improper police practices rather than attempting to insist they be changed to conform to constitutional standards.

Prison and Detention Center Conditions.—Prison conditions ranged from poor to extremely harsh in most prisons, although one-fifth of the prison population experienced good conditions in newer "model prisons." 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 (see sections 1.d. and 1.e.), and visitors often had to bribe prison guards in order to visit prisoners. Similarly, detainees who wished to avail themselves of the vocational training offered at some facilities had to pay bribes before being allowed to attend. 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 by AIDS or who had terminal illnesses were not transferred to hospitals.

According to the Directorate of Prisons, the police and the military held approximately 13,500 prisoners and detainees 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 4,300 prisoners in a facility designed for 1,600, with beds for fewer than 1,800 inmates. Officials estimated that the entire prison system had 6,300 beds, leaving more than 7,000 inmates sleeping on the floor. Some existing beds were flammable and contained a toxic substance that several autopsies showed to be cause of death for deceased detainees.

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 three to six months and responsible for providing security) were usually in charge of most prisons. A significant number of smaller prisons were co-located on military bases and were under actual military control, although military officers were untrained in corrections methodologies.

The press and human rights groups reported extensive drug and arms trafficking within the prisons, as well as prostitution and sexual abuse.

There were also reports of abuse of minors in custody, particularly at Najayo Prison for Minors, where prisoners were reportedly punished by being handcuffed to a fence in the hot sun, sometimes for hours at a time. When public defenders reported the abuse to the public prosecutor's office, the latter immediately fired several guards in connection with the complaints. The same public defenders reported that conditions at the prison had improved by year's end with the appointment of a new prison director.

There were reports that police officials convicted of criminal activity, including a few known human rights abusers, were interned in a Santo Domingo facility known as the "Special Prison for Police Agents." Prisoners at this facility reportedly had access to a wide range of amenities, including flexible movement restrictions, a restaurant, a shooting range, and a bar.

There were a number of deaths due to negligence in the prisons. On May 26, a prison fight resulted in the death of Damian Rafael Polanco Diaz. Critics alleged that the practice of holding inmates together in overcrowded, poorly supervised prisons made it difficult to prevent incidents of this nature.

Following the March 2005 riot and fire that killed at least 136 inmates and injured 26 in Higuey prison, authorities announced that they would file murder charges against prisoners and law enforcement officials who were involved, and they arrested five inmates in connection with the case. The public prosecutor's office transferred the case to San Francisco de Macoris, where it remained active at year's end. In November investigative reporting by the newspaper Clave Digital revealed that prosecutorial authorities misplaced key files associated with the case in March. Allegedly this was at least part of the reason that no convictions had been obtained by year's end, nearly two years after the fire took place.

Female inmates generally were separated from male inmates, and instances where male and female prisoners were held together ceased around September, when all female inmates had been moved to model prisons or wings thereof. Half of the total female population was held in a females-only prison. Conditions in the prison wings for females generally were better than those in prison wings for males. 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 a 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 that only 37 percent of the detainees in prison as of September had been convicted; another 57 percent were awaiting trial while the remaining 6 percent had a trial in process. In certain prisons, the vast majority of prisoners had not been convicted of a crime but rather were held awaiting trial. Of the inmates in Puerto Plata and Higuey prisons, 90 percent and 87 percent, respectively, were pretrial detainees.

There were also insufficient efforts in place to segregate and provide services to the mentally ill, especially at traditional prisons. There were confirmed reports of inmates suffering afflictions such as severe bipolar disorder who were kept alongside other inmates and denied prescription medication at La Victoria, the country's largest facility.

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, and focused on rehabilitation of and vocational training for inmates. To support this effort, authorities established a training program for specialized corrections officers to ease the shortage of professionally trained prison personnel. As of September, authorities had converted nine prisons to the new model, and human rights organizations and the press reported improved conditions and respect for human rights at the renovated facilities. The Inter-American Commission on Human Rights (IACHR) special rapporteur on the rights of persons deprived of liberty visited the country in August, and subsequently the IACHR noted that opening new prisons had improved the situation of a significant number of prisoners.

Despite improvements in the new prisons, unrest among the inmates at certain locations continued. On July 27, guards shot and wounded two inmates and injured several others during a riot and subsequent fire at Rafey-Men's prison. The detainees were protesting poor food quality, the infrequency of conjugal visits, and the uniforms required for inmates under the new prison model.

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 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), 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, and CESEP 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.

In an effort to stem a rise in crime, in June the armed forces began providing troops to support the National Police in its nightly patrols of Santo Domingo, Santiago, and other areas of the country. The mixed-unit patrols prompted recruitment of 2,600 additional members of the armed forces. As of year's end, authorities had received no complaints of human rights abuses by these mixed-unit patrols.

The National Police responded more transparently and effectively to allegations of police misconduct than in past years. In a change instituted by the new chief, formal reviews took place whenever a member of the police was involved in a death by shooting. The Internal Affairs Unit of the National Police conducted these inquiries, and the unit improved its ability to conduct fair and impartial investigations. Representatives from the public prosecutor's office provided assistance to and oversight of investigations, but police reported that their participation was not consistent. Allegations of criminal misconduct were forwarded to civilian criminal courts, which have full jurisdiction to prosecute offenders (see section 1.e.).

The Internal Affairs Unit reported that its investigations had resulted in 628 findings of criminal misconduct against members of the National Police over the first 10 months of the year. Two-thirds of these cases involved physical aggression, death threats, improper use of a firearm, verbal aggression, muggings, or theft. These

findings of misconduct represented a significant improvement over the impunity that existed in previous years.

Authorities discharged police officers for violent attacks, extortion, drug use, and trafficking, and removed from duty all members of the DNCD unit in the town of Bonao due to multiple accusations of illicit activity. Significant problems of this nature remained, in part because of insufficient background checks of police recruits. Many persons with prior criminal records allegedly were incorporated into police ranks, either under false names or with identification or recommendations from other state institutions, such as the army. Many members of the police force lacked basic education, received inadequate training, and showed weak discipline, all factors that directly contributed to unlawful or unwarranted killings and to cruel or inhuman treatment (see sections 1.a. and 1.c.).

On many occasions, police officials attempted to solicit bribes from individuals facing arrest or imposition of fines. Local human rights observers reported roundups of Haitian and Dominican-Haitian construction workers and other manual laborers. Officials allegedly took groups of darker-skinned or "Haitian-looking" individuals to empty buildings soon after they were paid to extort money from them.

In a revised police curriculum, both new and existing officers received human and civil rights training as well as increased technical training. The Institute of Human Dignity, a branch of the National Police, held more than 100 courses, seminars, and conferences, which were attended by 2,774 members of the National Police, armed forces, and civilians. From January to September, more than 2,500 participants graduated from the police course on respect for human dignity.

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. Approximately 7,000 participants from the military and civil society received training during the year.

Systems for monitoring and sanctioning abuses of human rights improved somewhat during the year. In response to the public perception of police corruption, the National Police reinstituted a system to provide every police officer with visible identification.

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 request a hearing 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 limit for detaining suspects without a warrant. Even so, successful habeas corpus hearings reduced these abuses significantly. 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. Police occasionally detained relatives and friends of suspects in order to pressure suspects to surrender or to confess, but this practice diminished significantly after the Criminal Procedures Code came into force.

Given the inefficiency of the courts (see section 1.e.), the granting of bail served as a de facto criminal justice system, and defendants awarded bail rarely faced an actual trial. Although few defendants were granted bail, bail became more common under the new code, which requires judicial review of detentions at an earlier point in a criminal case.

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 despite significant expansion of the public defender's office. The Government continued its program to train public defenders on relevant changes caused by implementation of the Criminal Procedures Code, giving an advantage to defendants who secured one of these attorneys. In addition, the Government implemented measures to improve the public defender program, including use of full-time public defenders, and increased salaries approximately 300 percent.

Despite the police chief's representations to the contrary, police continued the practice of making sporadic sweeps or roundups in low-income, high-crime communities, during which they arrested and detained individuals without warrants, alleg-

edly to fight delinquency. During these sweeps, which increased following a crackdown on crime in June, police arrested large numbers of residents and seized property, including motorcycles, other vehicles, and weapons. Prosecutors often lacked the resources to investigate cases fully. Instead, prosecutors often depended on police reports, many of which were based on forced confessions.

Many suspects endured long pretrial detention. Under the Criminal Procedures Code, the judge has authority to order a detainee to remain in police custody for a period between three months and one year. According to the Directorate of Prisons, average pretrial detention decreased but still typically was between three and six months. Time served in pretrial detention counted toward a sentence.

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 (see section 1.e.). Inmates often had their court dates postponed because they were not taken from the prison to court or because their lawyer or witnesses did not appear. Reports indicated that the Government lacked the funding to transport several defendants between prison and court. Despite additional protections for defendants in the Criminal Procedures Code, in some cases the authorities continued to hold inmates beyond the mandated deadlines even though there were no formal charges against them. In some instances, a defendant appeared before the judge on the scheduled trial date, but the trial could not go forward due to the absence of one or more co-defendants. The decision of the trial judge to postpone cases with multiple defendants prejudiced defendants who complied with the law by appearing as originally scheduled.

The judiciary successfully implemented a number of measures to reduce the large backlog of criminal cases under the old Criminal Procedures Code, and the Supreme Court assigned special judges (Courts of Liquidation) dedicated solely to resolving them. On September 27, the court mandated dismissal (with leave to refile) of all "old" criminal cases that had not received final judgment.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, public and private entities continued to undermine judicial independence. The judiciary continued to receive training on the Criminal Procedures Code to help create and maintain professional standards, with the judges receiving on average more than 70 hours of training. However, undue influence remained a problem.

The judiciary includes a 16-member Supreme Court, appeals courts, courts of first instance, and justices of the peace. There are specialized courts that handle tax, labor, land, and juvenile matters. The Supreme Court is responsible for naming all lower court judges according to criteria defined by law. The Government established 17 of the 25 tribunals provided for by law and five courts of appeal for children and adolescents. The Code for Minors outlines the judicial system for criminal cases involving juveniles and family disputes.

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. Although authorities violated these rights in some cases, adherence to due process generally improved after enactment of the Criminal Procedures Code.

The new code replaced the inquisitorial model with one that emphasizes respect for human rights, offers more expeditious judgments, includes anticorruption measures and means for alternative conflict resolution, and ensures due process for both defendant and victim. The new code grants all prisoners the right to have their attorneys present while they are being questioned, which was not previously the case for those arrested on narcotics charges. Defendants in cases processed under the new code appear to have received greater legal protection than their predecessors previously received.

Because of the additional protections for defendants under the new code, some commentators attributed the increase in crime during the year to the ability of defendants to obtain bail or to have their cases dismissed on "technicalities." Some police officials and other public officials asserted that the safeguards contained in the code were responsible for the rise in crime. A recent study undertaken by the Foundation for Institutionalism and Justice appeared to offset that argument, showing evidence that the success rate for reaching final judgments in criminal trials was higher under the new code than under the previous system.

During the year the Public Ministry began implementing a law designed to create a civil service career track for prosecutors. It hired 100 new career prosecutors and trained and certified them along with an additional 27 current prosecutors. Although a large majority of current prosecutors did not have career status, the National School of the Public Ministry provided continuing training to prosecutors on the new Criminal Procedures Code and established criteria to convert prosecutors from political appointee to career status. Judges and public defenders received similar training in prior years.

Although military and police tribunals previously exercised exclusive jurisdiction over cases involving members of the security forces, cases of killings allegedly committed during the year by members of the security forces were remanded to civilian criminal courts (see section 1.a.).

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. Despite the law, 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 and other surreptitious methods to interfere with the private lives of individuals and families, human rights groups alleged such interference continued. There was an active illegal private wiretapping industry.

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. This tendency was particularly pronounced in reporting on the trials ensuing after the major 2003 bank frauds, since banks and banking families owned prominent newspapers.

In late November the news corporation Color Vision fired popular journalist Adolfo Salomon from his job in response to complaints by high-level officials in the Catholic Church and the armed forces. Salomon had angered the church during a November 28 news conference at which Cardinal Nicolas de Jesus Lopez Rodriguez criticized homosexuality. After the cardinal's remarks, Salomon asked him about his feelings on homosexuality within the church. Lopez Rodriguez responded aggressively, questioning Salomon's ethics and professionalism. Secretary of the Armed Forces Ramon Aquino, reportedly with the help of the cardinal, then personally contacted Color Vision to demand that Salomon be reprimanded. His employer complied by firing him the next day.

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.

There were occasional reports of harassment of journalists. During the first nine months of the year, the National Journalists' Union recorded three killings and 19 other instances of assault or harassment of journalists in the country, although most of these appeared random or unrelated to the victims' professions. An August attempted killing targeted Arelis Pena Brito, deputy editor-in-chief of El Caribe newspaper, while she was driving home with her family. The motive for the attack was not known, and the assailant, who fired multiple gunshot rounds from a motorcycle while driving alongside the family's vehicle, was not apprehended.

On August 15, head bodyguard Mateo Vazquez of the first lady's security detail reportedly roughed up Clave Digital photographer Orlando Ramos as Ramos tried to photograph her during a cultural event. Police held the photographer in custody overnight even though he had broken no laws.

The Press Freedom Committee of the Inter-American Press Association publicly complained in March of the "sluggish and ineffective" response of justice officials to calls to apprehend and prosecute those suspected of crimes against journalists. Subsequently, arrests were made in the unrelated 2004 cases of the murder in Azua of radio journalist Juan Andujar and the attempted shooting in Santo Domingo of broadcast journalist Euri Cabral. At least one of the victims allegedly was targeted due to independent reporting that linked corrupt officials and gang leaders to criminal acts.

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 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.—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, when police officers used force to break up spontaneous demonstrations, they caused injuries to demonstrators or bystanders.

In April police injured 18 demonstrators in Barahona who were protesting the presence of a foreign military humanitarian mission. According to press reports, police fired on the gathering without warning or apparent provocation as it was commencing.

In August university students announced a protest event in the colonial zone in Santo Domingo, but failed to obtain permission from the district administrators; police barred the event and briefly detained one of the organizers. The event was held at a different site one month later without controversy.

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 law prohibits discrimination on religious grounds, and many religions and 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.—Relations among various religious congregations were harmonious, and society was generally tolerant with respect to religious matters.

The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although the law provides for these rights, and the Government generally respected these provisions in practice, there were some exceptions. Local and international human rights groups charged that there was discrimination against Haitian migrants and that they were subject to arbitrary and unjustified action by the authorities (see sections 5 and 6).

The Government refuses to recognize the citizenship of Dominican-born children of parents who are not legal residents and does not grant identity documents to them, a policy that most commonly affected persons of Haitian descent. There were hundreds of thousands of persons who lacked citizenship or identity documents and faced obstacles in traveling both within and outside of the country (see section 5).

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 UN 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 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 UN High Commissioner for Refugees (UNHCR) to improve receipt and adjudication of refugee claims. The UNHCR withdrew its personnel from Santo Domingo in July 2005 and subsequently monitored migration and refugee issues from a regional office outside the country.

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, made up of members from the Foreign Ministry, the DNI, and the Migration Directorate. The full commission has responsibility for the final decision on the application. 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.

In August authorities detained Haitian citizen Michelove Jean Francois en route to Ecuador while she was attempting to transit legally in Santo Domingo's airport. She was traveling under auspices of a UNHCR-sponsored family reunification procedure. Immigration inspectors incorrectly presumed that her valid Ecuadorian visa was fraudulent and confined her with 17 men identified for deportation to Haiti. According to Francois and the NGO that assisted her, during her 24-hour-long confinement she was denied both food and water. UNHCR and the NGO supporting the family reunification procedure requested her release and were eventually able to facilitate her travel to Ecuador.

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. In 2005 the National Commission for Refugees reviewed and granted asylum in five cases, three of which were submitted by members of the same family. That was the committee's first meeting in 10 years. 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.

In June the Committee of Political Refugees Unified for Their Rights sent a letter to the UNHCR highlighting the problems facing Haitian asylum seekers and requesting that a permanent UNHCR representative be stationed in the country. The committee reported 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 UN 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 (see section 5). In this respect they received the same treatment as any undocumented Haitian migrant.

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, the National Democratic Institute, and the International Foundation for Electoral Systems, as well as by the Government electoral board and the NGO Citizen Participation. In May observers described the 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 national House of Representatives and city councils; in practice the parties often placed women so low on the lists as to make their election difficult or impossible. Women held three cabinet posts in the Fernandez administration. There were two women in the 32-member Senate, 33 women in the 178-member House of Representatives, and five women on the 16-seat Supreme Court.

Government Corruption and Transparency.—The NGO Transparency International and others reported that perceptions of severe corruption persisted, even as government officials worked on bringing to trial a series of high-profile private and public sector corruption cases, the latter largely involving officials from the ad-

ministration of former President Mejia. The use of nonjudicial sanctions (e.g., dismissal, transfer) against armed service members, police officers, and other minor governmental officials engaged in bribe taking and other corrupt behavior provided insufficient incentive to check pervasive petty corruption.

Complicating this problem was a widespread attitude of tolerance towards at least some forms of corruption in society. In December results of a poll conducted by the Pontifical Catholic University showed that 82 percent of survey participants found corruption to be at least somewhat tolerable. More than 67 percent of respondents reported that they would suggest to their friends or family payment of a bribe in order to expedite an administrative process.

Government officials who took action against corruption were threatened. The chief safety inspector of the Aviation Authority, Angel Cristopher Martinez, was shot to death, probably by criminal elements, in response to his refusal to countenance operation of aircraft that he considered unfit or unauthorized to fly. In the months before his killing, narcotics smugglers reportedly approached Martinez, offered him bribes, and made threats in an effort to persuade him to look the other way.

A Presidential commission for ethics and against corruption continued to function, although its work was not well defined or well known by the general public. The office of the inspector general of the judiciary, headed by the President of the Supreme Court, publicized procedures for citizens to initiate complaints by telephone or the Internet. That office terminated several lower-ranking judges for improprieties.

In February President Fernandez issued a temporary decree, which entered force on June 1, designed to increase transparency in contracting, bidding, and procurement for public works. Despite numerous limitations and escape clauses, civil society commentators called the decree "a step in the direction of better controlling the mechanisms of governmental corruption." The decree remained in effect until August 18, when it was supplanted by legislation addressing these issues.

Judicial proceedings in three major bank fraud cases moved forward, although doubts about the pace of progress remained. In February a three-judge review panel voted two to one to uphold five criminal indictments related to the 2003 collapse of Banco Intercontinental (Baninter). Civil society commentators considered the trial, which began in May, 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. In August a judge delivered a guilty verdict against the principal defendant in the 2003 collapse of Bancredito. An additional case regarding the fraudulent 2003 collapse of Banco Mercantil was in preliminary stages at year's end.

In September an appeals court upheld fraud and embezzlement convictions for 10 defendants involved in a Mejia-era transportation modernization program known as Plan Renove. The trial court originally found that a number of former government and private sector transportation officials defrauded the Government of approximately $60 million (1.8 billion pesos) through bribes, bidding irregularities, and outright graft in the purchase of replacement vehicles for the country's aging transport fleet.

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 six months to two years in prison and a five-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. On November 29, Senator Francisco Dominguez Brito, a former attorney general, publicly declared that the access to information legislation was ineffective because it was under-used by the citizenry.

Section 4. Governmental Attitude 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.

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 organizations, both secular and religious, that addressed among other things women's rights, labor issues, and the rights of Haitians.

The Government has not implemented a 2001 law mandating the creation of a human rights ombudsman's office with authority over public sector problems involv-

ing human rights, the environment, women's issues, youth issues, and consumer protection.

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.—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 one 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 created a specialized Violence Prevention and Attention Unit and 13 satellite offices around the city, where 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. Since July these offices had the authority to issue temporary restraining orders immediately after receiving complaints.

Also in the National District, in November authorities created a special police unit to respond to complaints of domestic violence and to enforce court orders in favor of battered women and children.

During the year the Violence Prevention and Attention Unit received 10,281 domestic violence complaints in the National District. This number appeared to be growing: the second half of the year saw nearly 30 percent more complaints than were submitted in the first six months, which may have reflected a growing awareness of the resources available to victims.

The number of restraining orders these offices issued gradually increased after July, and in the month of December, of the 922 domestic violence and sexual assault complaints received, 30 percent prompted restraining orders or orders for preventive arrest. Victim assistance specialists in the National District reported satisfaction with the cooperation they received from local law enforcement authorities, especially after the creation of the specialized police unit in November.

However, these resources were available only to those living in the National District. Victims of domestic violence and sexual assault in other parts of the country continued to suffer from a lack of resources for victims and insufficient funding for police, investigators, and prosecutors. Even so, the National District had a reputation for being a laboratory for country-wide changes, and officials from the Violence Prevention and Attention Unit said that plans were being devised to extend its programs to other parts of the country.

The National Directorate for Assistance to Victims, created in 2005, coordinates efforts of official and nongovernmental institutions that offer services to victims of violence. It opened three offices in Santo Domingo and another three at locations 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. In its October session, the IACHR held a hearing on the situation of violence against women in the country.

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 victims of abuse could make a report to the police and receive counseling.

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 against 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; however, this appeared to be changing, at least in the National District. In other parts of the country, police were reluctant to handle rape cases and often encouraged victims to seek assistance from NGOs.

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 on prostitution and child sexual exploitation for hotel and industrial zone workers, male and female prostitutes, and other high-risk groups. Trafficking in women and children was a problem (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace, which was a misdemeanor and carried a possible penalty of one 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. Traditionally, 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 were paid less 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. 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 Code for Minors established the National Council for Children and Adolescents (CONANI) as a noncabinet public agency to coordinate public policy to protect children's human rights and to administer the code. While the law stipulates that CONANI is to receive at least 2 percent of the national budget and that a minimum of 5 percent of municipal government budgets must be devoted to projects to benefit children, this requirement was not met.

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 97 percent enrollment rate in grades one through eight in 2004, 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. Many children of Haitian descent and children of undocumented citizens experienced difficulties gaining acceptance to school due to their lack of documentation and irregular status (see section 5, National/Racial/Ethnic Minorities).

Several government programs provided medical care for children in public hospitals, but these programs, as well as all other medical programs, faced severe budget limitations.

Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. Of the 10,281 domestic violence and sexual assault complaints filed during the year in the National District, nearly a quarter (2,434) involved allegations of child abuse. CONANI asserted that three of every 10 children in Santo Domingo had been sexually abused. 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 85 percent 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 (see sections 5, Trafficking, and 6.d.). The law provides penalties of between two and five 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 popular tourist destinations (see section 5, Trafficking). Adolescent girls and boys from poor families sometimes were enticed into performing sexual acts by the promise of food or clothing.

In July authorities filed charges against Ernesto Lisandro Santos Disla, accused of operating a child pornography network over the Internet from San Francisco de

Macoris. In September police in Santo Domingo raided a number of Internet cafes in search of child pornography. At the request of the Attorney General, police continued to close bars, nightclubs, and "massage parlors" used for child prostitution and sexual exploitation of women.

Child labor was a serious problem in the informal sector of the economy (see section 6.d.).

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.

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.

International groups estimated that between 30,000 and 50,000 Dominican women worked in prostitution around the world, a substantial portion of whom were victims of trafficking. Principal destination countries were in Europe, the Caribbean, and Latin America, and included Argentina, Australia, Austria, Brazil, Costa Rica, Germany, Greece, Italy, the Netherlands, Panama, Spain, St. Maarten, and Switzerland. 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 desperate to improve the living conditions of their children.

On November 10, authorities rescued six trafficked Venezuelans in the Hotel Kay in Santo Domingo. The victims alleged that they had been contracted under false pretenses but upon arrival were confined in the hotel and forced to prostitute themselves. Authorities arrested and confined in preventive custody two individuals in connection with the case.

There were conflicting reports that sugarcane plantations around the country had ceased the practice of transporting new undocumented workers from Haiti. Such workers traditionally played a crucial role in the sugar industry, but they were forced to live in conditions that were described as modern-day slavery (see section 6.e.). The apparent discontinuation of this practice was attributed to 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 there were allegations that some employers, specifically the Vicini Corporation, had resumed the practice of importing undocumented workers for the sugar fields.

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.

Some elements within the tourist industry facilitated the sexual exploitation of children. Particular problem areas were Boca Chica, Las Terrenas, and Sosua.

The Government made some efforts to investigate, fire, and prosecute public officials who facilitated, condoned, or were complicit in trafficking activities or migrant smuggling. In June the Attorney General suspended and later fired Maria Asuncion Santos, district attorney for San Cristobal. The dismissal took place after one of her subordinates was accused of involvement in a trafficking scheme that lured citizens with false offers of employment in Spain.

At year's end 29 public officials, including a city mayor and an assistant director of immigration, were in prison on charges of conspiring to falsify official travel documents in order to smuggle large numbers of persons (mostly women) to several European countries. Authorities accused the officials, from a variety of government agencies, of involvement in a trafficking network that accumulated nearly $1.5 million (45 million pesos) over six months. The first arrests were made in September

2005, but as further investigations revealed more extensive involvement, arrests continued to be made throughout the year.

In August authorities fired police Major Rafael Elpidio Fernandez Garcia from his job and placed him and his wife in preventive detention on trafficking charges. The suspects were accused of operating a trafficking network between the country and Spain.

In other cases, government prosecutors appeared reluctant to pursue criminal charges against public officials involved in trafficking. On June 23, Colonel Juan Reyes Santana of the La Caleta firefighters was arrested on suspicion of involvement in alien smuggling. According to witness testimony, Reyes Santana collected $3,000 (90,000 pesos) each from eight individuals in exchange for fraudulently securing them visas to travel under the auspices of a firefighter training program. Although authorities fired Reyes Santana from his job, as of year's end they had declined to pursue criminal charges against him.

Human rights organizations alleged the involvement of some diplomatic missions in organized trafficking operations. In August the Haitian government launched an investigation into allegations that its consulate in Barahona was linked to a network smuggling Chinese nationals. Consulate supervisor Pierre Laud Lagrenade was suspended from his duties, convicted in Haiti on charges of trafficking, and sentenced to 15 months in prison.

NGOs alleged corruption among the military and migration officials stationed at border posts and noted that these officials sometimes facilitated the illegal transit of Haitian workers into the country. There were also elements within the Migration Directorate and the National Police that organized or facilitated the smuggling of aliens through the international airports.

In January, 25 Haitian citizens died from asphyxiation in the back of a truck while being smuggled from Haiti to Santiago. An investigation by the public prosecutor resulted in criminal indictments against 10 civilians and seven military officials accused of accepting bribes in exchange for looking the other way.

Within the Attorney General's office, the Department of Alien Smuggling and Trafficking in Persons secured further convictions against human smugglers and traffickers. According to the IOM, there were 11 convictions for trafficking-related offenses in the first 11 months of the year. The May conviction of Wilson Charles on charges of trafficking in persons and child sexual exploitation resulted in a sentence of 15 years in prison.

Authorities arrested five suspects on trafficking charges related to a case in July involving 11 women promised work in Spain but defrauded of their possessions and left abandoned in Italy, Turkey, and Peru. The suspects remained in preventive detention in Najayo Prison and awaited trial at year's end.

Since 2004 the Venezuelan embassy received multiple complaints from trafficked Venezuelans victimized by a Dominican-Venezuelan company named Literatura Universal. The embassy repeatedly communicated its concerns about the problem to the foreign ministry and others, but as of year's end it had not received a satisfactory response. The company remained in operation and reportedly continued to traffic Venezuelans.

Some cases, especially those perceived to involve politically well-connected suspects, continued to languish. A series of delays and postponements plagued an early 2005 case against a group of Colombian and Dominican traffickers, one of whom was a former leader of the Dominican Communist Party and another of whom was a former employee of Literatura Universal. After a series of delays, the accused were found guilty in February of operating a criminal network that trafficked young Colombian girls into the country to work as prostitutes. The accused were allowed to go free pending sentencing hearings, which were repeatedly postponed due to the failure of the accused to appear in court. The convicted traffickers remained free at year's end.

The Government provided some assistance to trafficking victims both overseas and in the country. The Secretariat 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. COIN worked to develop relationships with embassies and consulates that serve trafficked victims and with other NGOs in destination countries that serve similar populations. There were several church-run shelters that provided refuge to children who escaped prostitution.

The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons, in coordination with the Secretariats of Labor and Education, conducted outreach training at schools around the country. The courses warned children of the dangers of alien smuggling, commercial sexual exploitation, and trafficking and were given to an estimated 2,130 adolescents during the first eight months of the year.

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 law. 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 (see section 1.d.). Few government officials acknowledged the existence of this discrimination; others regularly and publicly denied that it existed.

Darker-skinned persons sometimes reported being denied entry into stores, nightclubs, and restaurants. In September a private security officer shot and killed 22-year-old student Alexandra Nunez Rodriguez at a popular Santo Domingo nightclub. The guard's employer catered to upper-class youth and was known periodically to deny entry to individuals of darker complexion. According to witness accounts, the victim, who was unarmed, was shot when the security officer's refusal of admission to her darker-skinned friend escalated into a heated argument. Authorities immediately launched an investigation and temporarily closed the club. At year's end they held the guard in preventive detention pending his trial but allowed the club to reopen in December.

Haitians continued to immigrate to the country in search of economic opportunity, and many of them were repatriated. Migration authorities and security forces conducted periodic sweeps throughout the year to locate and repatriate undocumented persons of Haitian descent, more than 26,000 of whom were deported during the year. This figure was 20 percent greater than in 2005, despite President Fernandez's mid–2005 promise to suspend so-called mass repatriations. 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.

Efforts by the authorities to stem the influx of illegal Haitian immigrants made life more difficult for Haitians who were legally in the country. Police regulations permit the confiscation of vehicles offering transportation to illegal immigrants, a factor discouraging taxi and bus drivers from picking up darker-skinned persons. In roundups aimed at illegal immigrants, the authorities picked up and expelled darker Dominicans as well as Haitians legally resident (see section 1.d.).

The constitution provides that anyone born in the country is a citizen, except those in transit or children born to diplomats. Children born of Haitian parents in the country were regularly denied registration as citizens under the transit exception, even when their parents had resided in the country for long periods of time. In November 2005 the Supreme Court ruled that "in 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 re-

quired 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.

Government officials often took strong measures related to the sensitive issue of citizenship for persons of Haitian descent. Some provincial officials took steps to cancel birth certificates issued to persons of Haitian descent. The Government stated that these cancellations were made based on evidence the certificates had been obtained fraudulently, but critics alleged that the revocations arbitrarily targeted persons whose names sounded Haitian. In November the foreign minister published a diplomatic note to a foreign ambassador sharply attacking alleged comments by the ambassador in favor of granting citizenship to the locally born children of Haitians who lacked residency. In fact, the ambassador's public comments had clearly been directed at the general problem that all children born of foreigners without residency face: the lack of a legal means to register birth, a key step in establishing identity (although not necessarily citizenship).

In September 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. A December 2005 press release quoted the foreign minister as saying that even though the verdict against the country was unjust, the country would pay as instructed by the court. The foreign minister reaffirmed this in June. Despite these assurances, the Government failed to comply with the ruling's provisions within the timeframe ordered by the court.

At year's end there were some indications that the Government was working to develop a system to issue birth certificates to the children of nonresidents, a central component of the court's ruling. This registration process would not confer nationality but would assist the Government in meeting its legal obligation to register all children born in the country.

Although a legal ordinance allows undocumented children to attend school through the fifth grade, some school administrators denied undocumented children access to school, particularly those who appeared to be of Haitian ancestry. NGOs reported that undocumented Haitian children were prevented from enrolling in school to a greater degree than were similarly undocumented Dominican children.

When permitted to attend primary school, the children of poor Haitian parents, like poor Dominican children in the same circumstances, rarely progressed beyond the sixth grade.

The IOM estimated that approximately 650,000 Haitian immigrants—or 7.5 percent of the country's population—lived in shantytowns or sugarcane work camps known as bateyes, harsh environments with limited or no electricity, usually no running water, and no adequate schooling. Many of these settlements were associated with sugar mills that had been abandoned. Although some Haitians were brought to the country specifically to work in sugarcane fields, many had no documentation. Human rights NGOs, the Catholic Church, and activists described Haitian living conditions in bateyes as modern-day slavery. In many bateyes, as in many poor areas in other parts of the country, medical assistance either was rudimentary or not readily available. Housing in the bateyes was poor; many individuals slept in barracks on iron beds without mattresses or on dirt floors. Many families of five or more shared living quarters that measured as little as nine by 10 feet. Bathroom facilities, where available, were generally unhygienic, and cooking facilities were usually improvised. The availability of fresh food, including fruits and vegetables, was severely limited. 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.

Private sector enterprises in the sugar sector, including the Vicini Corporation, 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.

According to Amnesty International, HIV/AIDS activist Adonis Polanco received a number of anonymous death threats throughout the year.

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.

Although the law forbids companies to fire union organizers or members, it 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) (see section 6.b.). The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported incidents of antiunion activity at two of 13 production facilities belonging to apparel manufacturing firm Grupo M, one of the largest private sector employers in the country. Company management conducted a public campaign against union organizers and affiliates, which allegedly included firings and salary reductions targeting union members and the creation of a fraudulent rival union favoring company policies. At year's end a decision on the legality of this rival group remained pending.

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 collective bargaining rights 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.

Many participants reported that mediation facilitated by the Secretariat 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. Government-employed physicians of the Dominican Medical Association threatened to strike in midyear but cancelled their plan following last-minute negotiations with the President's office.

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 sugar 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 four companies in the FTZs. 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, and it was sometimes enforced through locked doors or loss of pay or employment for those who refused.

There were reports of widespread covert intimidation by employers in the FTZs in an effort to prevent union activity (see section 6.a.). 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 (FENATRAZONAS) or 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, and there no longer were reports that it occurred. In previous years managers regularly prohibited workers on sugarcane plantations from leaving during the harvest, but it appeared that this was no longer the case (see section 5).

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 restric-

tions on the employment of children under the age of 16, child labor was a serious problem. The Central Bank's Statistics Department estimated that throughout the first half of the year more than 157,000 children, including 15.7 percent of children between the ages of 14 and 17, engaged in some sort of work, although bank officials conceded that the actual proportion of child laborers was much higher than these statistics indicated. Regulations limited working hours of those between the ages of 14 and 16 to six hours per day, prohibited employment of those under the age of 18 in hazardous occupations or in establishments serving alcohol, and limited nighttime 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.

The high level of overall unemployment, an insufficient social safety net, and the lack of educational or recreational alternatives created pressures on families to allow or encourage children to earn supplemental income. According to the ILO, 90 percent of child laborers began working before the age of 14. 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 (see section 5, Trafficking).

There was some 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 were alleged to register the child as their own. In exchange the birth parents received monetary payment or a supply of clothes and food. In many cases adoptive parents were said not to treat the adopted children as full family members, expecting them to work in the households or family businesses rather than to attend school. This was alleged to result 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 the rice-growing region around San Francisco de Macoris and the agricultural provinces of Constanza, San Juan de la Maguana, and Barahona. 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 in order to arrest and convict exploiters.

According to the Secretariat of Labor, approximately 28,000 children either actively working or at risk of exploitation benefited from child labor prevention and withdrawal programs. The National Steering Committee against Child Labor adopted a National Strategic Plan to Eliminate the Worst Forms of Child Labor. This plan 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.

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 $4.00 (130 pesos), based on a 10-hour 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. Observers suspected fraud at some weighing stations

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. The amount of cane a worker could cut varied, but many cane cutters earned less than $2.50 (75 pesos) per day.

Conditions for agricultural workers were poor, particularly in the sugar industry. Most bateyes lacked schools, medical facilities, running water, and sewage systems and had high rates of disease. Company-provided housing was sub-standard (see section 5). Most sugarcane workers were Haitian or of Haitian descent. In some bateyes, employers withheld a portion of wages to ensure that workers returned to the fields for the next season's harvest. Sugarcane workers often did not receive medical services or pensions due them even though deductions were taken from their pay.

The Diocese of San Pedro de Macoris continued to promote worker rights in the bateyes and to seek a work contract for cane workers. Officials of the association of sugar industries criticized the priest heading this effort, who was abruptly recalled and departed the country in October. Media reports indicated that the diocese abandoned the many projects the priest had managed on behalf of batey residents.

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 185 active inspectors. Inspector positions customarily were filled through political patronage, and inspectors typically took bribes from businesses. 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 13.5 million. Vice President Alfredo Palacio assumed the presidency in April 2005 after the National Congress removed his predecessor, and he will complete the previous President's term in January 2007. On October 15, general elections were held, resulting in a Presidential runoff between Alvaro Noboa and Rafael Correa. On November 26, Correa won the presidency in elections that the Organization of American States (OAS) considered generally free and fair. 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 serious problems in the following areas: isolated unlawful killings and use of excessive force by security forces; occasional torture, abuse, and killing 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, such as 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.

In April a stray bullet that came from a police officer's gun killed a student protester in Cuenca. The authorities denied responsibility (see section 2.b.).

On June 22, Miguel Angel Chiran, an off-duty police officer, allegedly shot and killed taxi driver Eulogio Tabango Quishpe. Witnesses suspected that the shooting took place as Chiran tried to steal the taxi and the driver resisted. On June 26, following a hearing, the Police Disciplinary Tribunal fired the police officer, although he remained in jail pending a possible trial.

On August 26, two military officers reportedly shot to death an indigenous medicine man in Puyo, Pastaza Province, in the belief that the victim had cast a spell (see section 2.c.).

A police court case against police officer Freddy Abel Rizzo Barzola continued in connection with the August 2005 killing of detainees Washington Enrique Vilela Barra and Luis Antonio Cevallos Barre, whose bodies were found the day after their arrest. In November 2005, authorities arrested a second police officer implicated in the killing, and a police prosecutor's investigation continued at year's end.

In September 2005, military officers on patrol in Sucumbios Province reportedly opened fire with no warning on a vehicle, killing two occupants. The district attorney charged four army officers in the case: Angel Chuya, Carlos Badillo, Benito Tangamashi, and Jorge Zamora. Military authorities detained the four officers, and the Sucumbios attorney general initiated a formal investigation that continued at year's end.

There were no developments in the 2004 police killing of Luis Alfonso Ortiz Rodriguez. The police officer, who killed Ortiz while investigating a domestic dispute, remained in prison pending an investigation to determine whether the killing was accidental.

There were no new developments in the 2004 investigation of the alleged police killing of Erik Fabricio Lopez Yanez. The accused police officer and his brother remained in jail pending the outcome of the investigation.

In contrast with 2005, there were no reports that prison guards killed inmates during the year.

There were cases of mob violence against suspected criminals, which occurred particularly in indigenous communities and poor neighborhoods of major cities, where there was little police presence (see section 1.e.). However, the Ecumenical Human Rights Commission (CEDHU) reported that there were fewer incidents of mob violence than in 2005.

On June 13, residents in the rural agricultural community of El Carmen, Manabi Province, tried to lynch two persons suspected of attempting to kidnap a young girl. Residents had reported the incident to police who failed to apprehend the suspects.

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 northern border with Colombia. During the year police registered 41 kidnapping cases and 18 related arrests as well as 25 "express kidnappings" (in which a person is driven around and forced to make automatic withdrawals of personal funds) with seven related arrests.

On May 26, a group of seven to 10 individuals, including a police officer, kidnapped Jose Stisin Barriga on the outskirts of Quito. The family was unable to comply with the three-million-dollar ransom request, and after a two-month police investigation, Stisin's body was recovered. The authorities arrested the officer and two other suspects, one of whom acknowledged having ties to Colombia's Revolutionary Armed Forces, a terrorist group. The police officer, Darwin Pozo, was fired, tried and convicted in civil court, and sentenced to eight years' imprisonment.

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 continued to torture and abuse suspects and prisoners, often with impunity.

The Government took no action on a November 2005 finding by the UN Committee Against Torture that the country's laws on torture do not meet standards set by the UN Convention Against Torture. The committee had noted that 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 August CEDHU registered alleged cases of torture by police forces involving approximately 30 victims. In most cases the police appeared to have abused such persons during investigations of ordinary street crime, antigovernment demonstrations, or because of a personal grudge. The victims reported that the security forces beat them, punching and kicking different parts of their body. During the night while sleeping on the floor without blankets, the victims also reported being awakened and showered with cold water, forced to stand for long periods while blindfolded, and made to kneel for hours while security forces stepped on their legs. To hide any evidence of bruising, the victims said security forces would either pad their bodies or cover with cloth the stick with which they were beaten.

On January 23, Quito judicial police arrested a group of students suspected of participating in street demonstrations protesting the implementation of the Govern-

ment's student identification program. According to one of those arrested, human rights activist Victor Hugo Salazar, the police separated the students into two groups and took one group to an area reserved for those deemed to have committed serious crimes. Police allegedly stripped members of the group, showered them with cold water, then kicked, punched, and beat them with a broomstick. The students alleged that they were then taken to an interrogation room and beaten. The police also allegedly used a thick stick inscribed with the words "human rights" to beat the students, as they taunted "Here are your human rights." The police, who later released the students, confirmed that the students were detained but denied any mistreatment and did not conduct any investigation.

According to CEDHU, in January two police officers in Quito stopped a transvestite pedestrian, Jorge Tamayo, and insulted him, later sprayed him with tear gas, beat him with a stick full of nails, then took him to jail where he was hosed with water to wash away the blood and beaten again. The police refused Tamayo's request to be sent to a hospital for his injuries and continued the beatings, threatening to kill him; finally they released him. In both March and April, police officers accosted and again beat Tamayo and his partner and took some of their belongings. The police split Tamayo's lip and inflicted head injuries. Police also beat Tamayo's partner and took some of their belongings. After a police investigation, the victims were called in to identify the two alleged suspects; however, the victims never appeared, and the investigation was closed.

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. In June the Government declared a 70-day state of emergency covering the country's 34 jails and detention centers to address infrastructure, staffing, and funding issues in the prisons. The National Office for Social Rehabilitation (DNRS) reported that the Government had disbursed only 2.5 million dollars out of a proposed eight million dollars to pay jail guards' unpaid wages and to improve the infrastructure at jails in Quito and Guayaquil. Overcrowding was a chronic problem in most facilities. According to the Attorney General's office, as of June, 15,125 prisoners nationwide were held in facilities built to hold 7,463. A number of prisons experienced serious outbreaks of disease, and medical care often was inadequate. The daily allocation for prison rations was one dollar per inmate; prisoners often supplemented these rations by buying their own food. Prisoners in various centers threatened to strike during the year, citing overcrowding, low budgets, and problems with rehabilitation and social reintegration programs.

The DNRS reported that through December, 30 prisoners died: 14 from illness, five from serious injury, and five from unknown causes; six were suicides. On January 21, Pablo Daniel Sanchez Altamirano died after being held for over a week by the Judicial Police. While police sources indicated that Sanchez had been injured before his arrest, human rights sources claimed that more rapid medical attention might have saved his life.

In September and December 2005, unknown assailants killed two guards suspected of killing four prison inmates in September 2005. Authorities suspected that the head of a prison gang ordered the killings.

Conditions were notably better in the women's prison in Quito than in men's facilities. Approximately 325 children lived in prison with their mothers at year's end. Pretrial detainees were held with convicted prisoners. According to CEDHU, male guards are 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 isolated cells after they allegedly had been beaten.

d. Arbitrary Arrest or Detention.—While the constitution prohibits arbitrary arrest and detention, the UN's Working Group on Arbitrary Detention noted on February 22 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 UN 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. On September 26, the Constitutional Court

found the "preventive detention" provision unconstitutional, but prisoners were not released.

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. In the state of Guayas, 21 police recruits reportedly "cleaned" their criminal convictions. Through July, 60 recruits had been convicted of crimes committed after becoming recruits or faced charges; only four of the 60 had graduated from training.

On November 11, four police officers escorted Oscar Caranqui, a jailed narcotics trafficker out of jail for a visit to an entertainment club. Caranqui, who was wearing a police uniform lent to him by one of the officers, declared at a hearing that the November 11 excursion was his eighth such outing and revealed that seven other inmates enjoyed similar privileges. The police officers who accompanied Caranqui were under investigation at year's end.

In November President Palacio ordered the restructuring of the National Police and directed top police officials to punish those responsible for corruption.

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. An internal affairs investigation of charges that the former National Police director facilitated alien smuggling concluded without formal charges.

The National Police contracted with NGOs to provide human rights training. A 2006 Amnesty International report again criticized the use of the police court system, citing the UN 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.

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, few such petitions were made in practice.

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 three to 35 years' imprisonment). According to government data as of June, 66 percent of detainees in jail had not been sentenced.

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.

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. If the investigation report is detrimental, the judge may order preventive detention. Preventive detention is limited to six months for minor offenses and 12 months for major offenses. However, 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. More than 60 percent of the detainees in jail had not been sentenced, and approximately 10 to 15 percent had been tried but not 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 pressure and corruption. The media reported extensively on the susceptibility of the judiciary to bribes for favorable judicial 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.

In September a former congressman involved in litigation before the Supreme Court accused three justices of soliciting a $500,000 bribe to secure a favorable ruling. The three judges were expelled from the court, and at year's end the case remained under investigation by the Office of the Attorney General.

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 selection by open competition of all appellate judges.

A decision by the Inter-American Commission on Human Rights on a February 2005 appeal brought by 27 justices of the Supreme Court who were replaced by Congress in 2004 remained pending at year's end.

Trial Procedures.—Despite ongoing 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 (see section 1.a.).

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 31 attorneys were available to defend the large number of impoverished suspects throughout the country.

Civil society groups, lawyers' associations, universities, and foreign donors sought to support vulnerable groups of the population that did not have access to legal defense. From January to September, foreign donor assistance funded legal counseling and defense services for 2,518 persons from vulnerable groups of the population (especially poor prisoners and women) in seven cities.

A recent evaluation the local NGO Fundacion Esquel conducted in three cities that account for 60 percent of the country's criminal cases indicated that, despite some advances in the application of the accusatory justice system, severe limitations remained. The study identified a particular need for improvements in the public defender system, better prosecutor-police coordination, and implementation of a national program to protect victims and witnesses.

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 are often tried in police or military courts. The police court often did not pursue cases or announce verdicts and punishments, reinforcing the impression that police were immune from prosecution. While the constitution places both police and military justice under the regular judicial system, the systems remained separate.

Although the law recognizes indigenous communities' right to exercise their own system of justice based on their traditions and customs, it does not specify its implementation. 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 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. There were no cases of public figures bringing criminal charges against journalists during the year. The independent media were active and expressed a wide variety of views without restriction.

While there were no reports of officials using libel laws to suppress criticism of political or other leaders, in June Ignacio Alvarez, the OAS special rapporteur for freedom of expression in the Americas, in June called on the Government to review legislation that constituted "insult laws." Other respected NGOs supported Alvarez's comments.

In February two journalists were killed within a 24-hour period. The Inter-American Press Association and other press freedom NGOs called on authorities to investigate whether the killings were related to the victims' journalistic activities. The authorities claimed that the deaths were most likely related to gang violence, and there were no arrests of suspected perpetrators.

On several occasions the Government declared emergencies, suspending civil liberties in specific regions. For example, in February the Government declared a state of emergency in Napo Province during a regional strike that paralyzed the export of crude oil. The order suspended constitutional guarantees of freedom of speech and of expression.

On February 22, in the city of Esmeraldas, the Popular Democratic Movement organized a protest march led by the mayor and the prefect, who were from the same political party; some 4,000 persons protested against the media while the mayor and prefect verbally insulted news organizations. The Attorney General's Office investigated four individuals rumored to have been hired by the mayor's office to distribute flyers denouncing local media and their owners.

A superior court decision remained pending in the January 2005 case against University Leftist Revolutionary Front activists who attacked former vice President Leon Roldos Aguilera while he was giving a speech at the Central University.

After a preliminary investigation, the case of a February 2005 dynamite attack on the Radio Canela radio station in Macas, Morona Santiago Province, was closed in November 2005.

In January a judge dismissed all charges against members of a pro-Gutierrez movement who invaded and vandalized the offices of the NGO Citizen Participation in March 2005.

On March 3, Quito's Superior Court dismissed sedition charges against former President Gutierrez and ordered his release from prison. The charges stemmed from statements the ex-President made while abroad claiming to be the country's legitimate leader.

Economic considerations influenced elements of the media who tended to reflect the narrow, regional interests of their owners. Business and private interest pressures on the media sometimes constrained freedom of the press.

The 2004 request by then President Gutierrez for a formal inquiry into allegations by a prominent radio director that Gutierrez accepted money from a Colombian guerrilla group did not result in any further investigation.

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 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.—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.

Through its state of emergency decrees, the Government at times restricted popular demonstrations and freedom of speech by arresting and bringing civilian demonstrators before military tribunals and sentencing them to between six and seven years in prison.

President Palacio on several occasions during the year quelled disruptive protests. In January a Presidential decree issued to stop street protests against local authorities suspended the right to assembly in the coastal city of Chone, Manabi Province, for up to 90 days.

Indigenous demonstrations, led by the Confederation of Indigenous Nationalities of Ecuador (CONAIE), took place in February and March. The Government announced it would use force, if necessary, to stop the demonstrations, and CEDHU reported that military and police forces use of tear gas and batons against many demonstrators caused serious injuries.

In March a tear gas canister fired by police in Pichincha Province struck protester Jose Alberto Cabascango, causing the loss of an eye; other demonstrators suffered neck, nose, and head injuries. In the city of Cayambe, the armed forces surrounded the Radio Intipacha station and detained announcers William Ramos and Julio Charro for reporting on demonstrations in Chimborazo, Cotopaxi, Imbabura, Canar and sections of Pichincha provinces. The next day the armed forces forcibly entered the radio station's premises and ordered the playing of music in place of regular programming.

In April a stray bullet killed student protester Jhonny Montesdeoca in Cuenca. Although an investigation determined the bullet came from a police officer's gun, the authorities denied any police involvement and alleged that bank guards were responsible for the shooting. Bank representatives disputed these accounts and stated that bank guards only fired their guns in the air. No further details were available.

On September 6, residents of Guayaquil demonstrated in the center of the city to demand wider access to the city's metrobus system. National Police forces dispersed the demonstrators, many of whom were elderly, women, and children, with physical force including the use of tear gas. Members of the media covering the demonstrations were also affected by the police force's actions. By contrast, a similar type of demonstration supporting the city's metrobus system and the mayor of Guayaquil received police protection (see sections 2.a., 2.b., and 6.a.).

There were no further developments in the investigation relating to the March 2005 police actions to suppress a protest at the Jorge Mantilla Ortega School in Quito, which resulted in serious injuries to a student.

An investigation continued in the April 2005 case of Chilean journalist Julio Garcia Romero, who had a heart attack after being exposed to tear gas while covering a demonstration.

There were no new developments in the 2004 case in which the military shot four participants (one of whom later died) in a demonstration by indigenous people (see sections 1.a. and 5). The case, according to the military prosecutor, remained under investigation.

Protesters often blocked roads. Security forces generally intervened in such demonstrations only when there was violence against bystanders or destruction of property.

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.

The press reported that on August 26, two military officers shot to death a shaman (indigenous medicine man) in Puyo, Pastaza Province. One of the officers reportedly believed the shaman had used a "powerful stone" to cast a spell on his wife and asked the shaman for the stone to cure her. Later that evening, the officers returned, escorted the shaman and two of his sons to a river, and allegedly fired several shots that killed the shaman and injured one of his sons. Both officers re-

mained under arrest. Press reports added that at least nine shamans have been killed in the past 10 years in the same area.

Societal Abuses and Discrimination.—The country has a small Jewish population. During the year there were no reports of societal abuses or discrimination against members of religious groups, including anti-Semitic acts.

For a more detailed discussion, see the 2006 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. Protesters often blocked roads (see section 2.b.). Men must show proof of having completed military service or pay a fine to leave 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 UN 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 they feared persecution. The Government granted refugee status or asylum. The Office of the UN High Commissioner for Refugees (UNHCR) also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

The Government reported that through September it had received 5,779 applications for refugee status. Approximately 2,600 cases from this and preceding years were pending. Rejected applicants have a legal right to appeal and after appeals are exhausted, they have 30 days to put their affairs in order and leave the country. Both UNHCR and the Government reported difficulty dealing with the number of applicants and appeals.

Approximately 97 percent of refugee applicants were Colombians. A small but rising percentage of applicants were Peruvians; however, both the UNHCR and government reported that the vast majority of these applicants were actually 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. The Government reported that it has undertaken a campaign to educate local officials on refugee rights. UNHCR officials noted that growing anti-Colombian sentiment discouraged many Colombian refugees from formally seeking asylum. The UNHCR began training police officials to refer such cases to the Foreign Ministry.

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 April 2005 following large-scale protests in Quito and the public withdrawal of support by the military and the National Police leadership, Congress voted to remove President Gutierrez, who had been democratically elected in 2002. Vice President Alfredo Palacio assumed the presidency to finish Gutierrez's term. First-round Presidential elections on October 15 resulted in a runoff between Alvaro Noboa and Rafael Correa. On November 26, in an election considered generally free and fair, Correa won the runoff; his inauguration was scheduled for January 15, 2007. The OAS deployed electoral observation missions for both the first-round and runoff elections; after the second round, the mission "took place in an atmosphere of calm, and voters were able to freely exercise their franchise."

On October 15, 26 women, four indigenous persons, and one Afro-Ecuadorian were elected to the 100-seat Congress. There were two women but no members of ethnic minorities among the 31 Supreme Court members. President-elect Correa named eight women, one Afro-Ecuadorian, and one indigenous person to his cabinet to take office on January 15, 2007.

The law requires that the percentage of female candidates increase in each election until it reached 50 percent in 2008 (with 45 percent specified for the 2006 election). Some political parties met this mandate by listing women as alternates, including spouses of party leaders, and alternated multiple male candidates at the top of the list followed by an equal number of women. Legal challenges to this practice have been unsuccessful.

In 2005 the Supreme Electoral Tribunal (TSE) barred former President Gutierrez from running for political office claiming that he violated campaign financing laws during his 2002 Presidential campaign. In July the Constitutional Court upheld the TSE ruling that Gutierrez could not run for public office at any level until 2008.

Government Corruption and Transparency.—There was a widespread public perception of corruption in all areas of the Government. The NGO Transparency International reported in its 2006 Corruption Perceptions Index that corruption continued to be a "severe" problem, worsening from the previous year.

An investigation begun in August 2005 of advisers to President Palacio who allegedly forged the President's signature on documents granting government positions resulted in dismissal of a military aide from the army; a second adviser's case remained pending in the criminal court.

The 2004 case involving the national police chief, several other police officials, and members of the army accused of collaborating with alien smugglers ended with no charges filed against any suspects.

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

A number of domestic and international human rights groups generally operated without restriction, investigating and publishing their findings on human rights cases. Government officials cooperated with the groups but often did not act on their views.

There is an office of the ombudsman to focus 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.

The Government continued to implement various aspects of the National Human Rights Plan, including human rights training for the Congress, seminars, publication of documents, and a contingency plan for refugees. Several prominent human rights NGOs publicly criticized the Government's lack of progress in implementing the plan.

Congress has a seven-member human rights committee. The committee met infrequently, and local human rights organizations did not consider the committee's role particularly significant.

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, and Afro-Ecuadorians continued to face significant discrimination.

Women.—Although the law prohibits violence against women, including within marriage, abuses were widespread. The law provides penalties for domestic violence of up to $28 or seven days in prison, creates family courts, and gives 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 Office of Gender, in the Ministry of government, reported 68,184 cases of sexual, psychological, or physical mistreatment of women during the year. Women may file complaints against a rapist or an abusive spouse or companion only if they produce a witness. Thirty special Police Stations for Women and Families handled issues including 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.

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 in prison. By the end of the year there were 1,452 reported rapes, resulting in 586 persons charged. 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.

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 (see section 5, Trafficking).

Despite the legal prohibition of harassment, women's rights organizations described sexual harassment in the workplace as common.

The law also provides legal support to the Government's National Women's Council, which is charged with building public policies that promote women's human rights and equality in cases of sexual harassment. The Council and the Ministry of Education and Culture organized a sexual harassment monitoring program in the provinces of Esmeraldas, Manta, Cuenca, and Loja to prevent sexual harassment in the education sector. The Government provided protection to sexual harassment victims and those who report such incidents, and it conducted public education against sexual harassment in the workplace.

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 through various methods, including increasing 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 operated in all 22 provinces and promoted similar themes relating to women's rights, with emphasis on political participation and human rights. It also focused on young women and Afro-Ecuadorian women.

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 UN Children's Fund (UNICEF) reported that approximately 70 percent of the country's 4.8 million children lived in poverty and that malnutrition affected 15 percent of children under age five.

The law requires that children receive a minimum of 10 years of education; however, due to the lack of schools in many rural communities, the Government's failure to provide adequate resources, the economic needs of families, and the comparatively high cost for poor families of books and uniforms, the Government rarely enforced this requirement in practice. The Ministry of Education reported that most children achieved a sixth grade education. The citizen movement Social Contract for Education estimated that during the year 660,000 children ages six to 17 (approximately 22 percent of school-age children) did not attend school. Education was free through high school, although there were various related fees that prevented many children and adolescents from attending school. The Government operated programs that 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 (see section 6.d.). In some areas there were no teachers in the classrooms at the start of the school year; other schools reported an extremely high student/teacher ratio forcing school administrators to initiate morning and afternoon shifts to accommodate the students.

The Government provided free medical care to children under age six. Boys and girls received equal access to such care.

There was no societal pattern of abuse against children.

Commercial sexual exploitation of minors was a problem (see section 5, Trafficking).

More than 20 NGOs promoted child welfare. UNICEF and several private organizations were active in programs to assist street children. The children of the poor often experienced severe hardships, particularly in urban areas.

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 2002 International Labor Organization (ILO) report, estimated that 5,200 minors

were engaged in prostitution. Ecuadorians were trafficked to Italy, Spain, Colombia, and Venezuela; however, most victims were trafficked within the country. Anecdotal evidence showed 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, wittingly or unwittingly, including prostitution or forced labor in agriculture.

Traffickers were organized criminal gangs specializing in movement of persons, proprietors of small businesses such as bars or brothels, or illicit employment brokers. Anecdotal evidence indicated that some of those 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. Falsification of civil registry documents to disguise the nationalities of trafficking victims and the ages of juveniles was a problem.

The law criminalizes trafficking in persons and provides prison terms of six to 35 years. The law also provides penalties of six to 12 years in prison for promoting sexual tourism and child sex tourism. Since the law took effect in June 2005, there have been more than 100 arrests: all were in some stage of prosecution.

The country increased the number of law enforcement officials and prosecutors devoted to combating trafficking in persons. In May, the child welfare police created an eight-person trafficking intelligence unit to work with police, Interpol, and prosecutors. 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 September the Government established a specialized 14-person Special Sexual Crimes Police Unit to investigate trafficking-in-person crimes.

Prosecutors and judges received training on preparing and adjudicating trafficking cases.

The police youth protection agency (DINAPEN) conducted regular raids on nightclubs, bars, and brothels. Raids in Guayaquil, Machala, Quito, and Santo Domingo de los Colorados all produced arrests. An April 18 DINAPEN raid on a brothel in Guayaquil rescued three 15- to 17-year-old girls and resulted in the detention of four men who allegedly prostituted the minors. In February the Government appointed special prosecutors to oversee trafficking cases in Guayaquil and Machala, two of the worst trafficking areas. The special prosecutor appointed in Quito in 2005 also continued to work on cases. A police unit to combat alien smuggling formalized a cooperative relationship with DINAPEN and judicial police to investigate trafficking cases.

The Government cooperated in international investigations of trafficking. In August the President approved a national antitrafficking plan to coordinate strategy among the Government agencies and earmark funds for that purpose, and subsequently an operational plan was adopted.

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. NGOs assisted more than 1,000 victims of trafficking or trafficking-related crimes during the year. The Government signed agreements with a private trafficking victims' shelter to provide witness protection.

The Government implemented a nationwide trafficking awareness and prevention campaign in which the first lady played a leadership role. The Government's National Institute for Children and Families spent more than one million dollars in its annual antitrafficking campaign. The Government also promoted a hot-line number to identify victims, provide assistance, and increase arrests.

The Government conducted a two-day media training session on trafficking for television, radio, and print journalists. In June authorities also launched a million-dollar year-long public awareness campaign and in October began an anti-sexual tourism campaign. The Victim and Witness Protection program assisted 43 trafficking victims during the year.

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, and the Government effectively enforced the law. 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 national elections, the Supreme Electoral Tribunal printed Presidential election ballots in Braille, provided sign language translators, and made efforts to ensure that voting precincts were fully accessible to persons with disabilities. How-

ever, accessibility to some voting precincts was difficult. Observers reported seeing numerous persons with disabilities throughout the day being assisted by the military and others to ensure they were able to access their voting tables. Although ballots in Braille for the Presidential ticket were to be provided nationwide, some voting precincts reported never receiving such ballots.

A December 2005 law requires the hiring of persons with disabilities in all public and private enterprises with more than 25 employees; there was no information on its implementation by year's end.

National/Racial/Ethnic Minorities.—The estimated 600,000 Afro-Ecuadorian citizens suffered widespread poverty and 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 asserted 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. 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, including kidnapping oil workers in attempts to win a share of oil revenues and a voice in natural resource and development decisions. In November in the northwestern province of Sucumbios, indigenous villagers from Tarapoa took over the Andes Petroleum installations and kidnapped approximately 700 oil workers. Andes Petroleum officials later agreed to a series of villager demands for employment.

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 Amazon, indigenous groups asserted that 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 illegal lumber.

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.

In March Quito police used force to suppress CONAIE demonstrations (see section 2.b.).

There were no developments in the 2004 case in which two unidentified individuals shot at Leonidas Iza, President of CONAIE, or in the killing of Maria Lalbai by members of the military during a protest in 2004.

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 a credible NGO, homosexuals, transsexuals, and transvestites were subjected to cruel, inhumane, and degrading treatment by the police. They 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 (see section 1.c.).

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 sets the number of workers required for an establishment to be unionized at 30, which the ILO's Committee on Freedom of Association considered too stringent a limitation at the plant workers' council level. Some companies took advantage of this law by subcontracting with several shell companies, each of which has less than 30 workers. A law enacted in June provides subcontracted workers with the right to freedom of association, the right to bargain collectively, and to legal protection against antiunion discrimination. The Labor Ministry is responsible for enforcing the new law.

While employees of state-owned organizations enjoyed rights similar to those in the private sector, the law prevents the majority of public sector employees from joining unions or exercising collective bargaining rights. However, most public employees maintained membership in a labor sector association; such associations are not allowed to strike or bargain collectively (see section 6.b.).

The labor code requires workers in state enterprises to be represented by only one 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. In September a group of 48 employees at the Transnavo shipping company attempted to unionize and were fired. The unionists filed for compensation and the case was 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 three 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 and includes a provision that striking public sector workers are liable to between two and five years in prison; however, there were frequent "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.—While the law prohibits forced or compulsory labor, including by children, there were reports that children were trafficked for labor (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and defines acceptable working conditions. Although the Government sought to enforce the law, 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 six hours per day and five 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 and $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 Government employed 23 child labor inspectors on a contract basis to inspect 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. During the year the Ministry of Labor issued 100 citations to employers for child labor law violations.

While the Ministry of Labor, Ministry of Social Welfare, and the Minors' Tribunals were charged with enforcing child labor laws, enforcement was ineffective. A 2005 study by the Ministry of Labor, the Institute for the Child and Family, and the National Committee for the Progressive Eradication of Child Labor found that 550,000 children between ages five and 14 (approximately 15 percent of children in this age group) were engaged in labor not permitted by law, primarily working in rural areas in the informal sector.

More than 40 percent of all children lived in rural areas, and many left school at an early age to do unpaid agricultural work for their families.

In August the Ministry of Labor hired 28 permanent child labor inspectors and seven support staff, whose sole function is to inspect companies throughout the country, monitor whether children are employed, and impose fines for violations. Through December the inspectors conducted approximately 1,486 workplace inspections and found approximately 93 minors under age 15 and 104 adolescents between 15 and 17 years old. The ministry will reinvest some part of the fines collected in the inspection program. The National Committee for the Progressive Elimination of Child Labor also has 30,000 education scholarships available for children identified as child laborers.

The Ministry of Labor has a three-officer Division for Child Labor, which 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 five or six 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. As of July the minimum wage plus mandated bonuses provided a gross monthly compensation of approximately $186, or one dollar 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 two 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. However, 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 workplace. Response time for inspectors ranged from three days in major cities to much longer in the countryside.

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.

EL SALVADOR

El Salvador is a constitutional, multiparty democracy with an estimated population of 6.7 million. In 2004 voters elected Elias Antonio Saca of the Nationalist Republican Alliance (ARENA) as President for a five-year term in generally free and fair elections. March nationwide municipal and legislative assembly elections were also free and fair. 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; discrimination against indigenous persons; discrimination against 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. As of November, however, the Office of the Inspector General of the Civilian National Police (PNCIG) reported that security forces allegedly killed 22 persons, in comparison with 23 in 2005 and 29 in 2004. The PNCIG also reported that as of November, it had received 449 complaints of alleged violations to the integrity of persons. During the year the Office of the Ombudsman for Human Rights (PDDH) received 48 cases of attempted killings and determined that 12 were for arbitrary or unlawful deprivation of life.

Through December the PDDH received complaints of mistreatment by police officials, including unlawful killings, attempted unlawful killings, assaults, and other offenses causing bodily harm. The PDDH determined that since 2005 the Civilian National Police (PNC) was at fault in 21 cases.

The PNCIG reported that as of November, it had received 22 cases of alleged police involvement in killings. There was no information available regarding how many cases involving use of lethal force by the police concerned gang members. As of December, however, the PNC reported that 12,930 persons belonged to gangs.

On February 15, the Sentencing Tribunal of Usulutan Jurisdiction exonerated two defendants, Santos Sanchez and Rosa Elba de Ortiz, charged in the 2004 killing of foreign labor activist Jose Gilberto Soto. The tribunal sentenced Joel Ramirez Gomez to 25 years in prison for the killing. The remaining defendants were found not guilty and released.

During a July 5 demonstration outside the University of El Salvador, masked militants associated with the Revolutionary Student Brigade and Popular Youth Bloc vandalized public and private property. As police tried to restore order, a sniper who was later identified as former Faribundo Marti National Liberation Front (FMLN) city councilman Jose Mario Belloso Castillo fired on police with a military rifle, resulting in the killing of two police officers and the wounding of 10 others. Several hours after a search warrant was issued police entered the campus. Police officers did not employ lethal force in responding to the protestors, and protestors suffered no serious injuries. At year's end Belloso remained at large and was the subject of an Interpol arrest warrant. His accomplice Luis Antonio Herrador was in custody awaiting a hearing scheduled for April 2007 (see section 2.a.).

On October 12, PNC officers Victor Manuel Cabrera Valladares, Henry Vladimir Valladares Sanchez, Julio Cesar Rivera Sanchez, and Jaime Olivares Martinez were suspended from duty for 180, 90, and 120 days, respectively, for consuming alcoholic

beverages during work hours and negligence, resulting in PNC Officer Nelson Alexander Minero Vasquez's March 2005 killing of PNC Officer Antonio Cruz Vasquez. On February 1, the PNC dismissed Minero Vasquez from his job.

Following a reported November 29 death threat against Ricardo Alberto Iglesias Herrera, an expert named by a court to evaluate impunity and administration of justice, the President of the court requested in December that the Government take measures to protect Iglesias Herrera's life.

On December 3, Oscar Cesar Vanegas died in a public hospital after he was arrested and allegedly injured by police officers Edilberto Alexander Cruz Chavez, Angel Antonio Garcia Hernandez, and William Leonidas Beltran in Tenancingo, Cuscatlan Department. On December 15, the Office of the Attorney General (AG) issued arrest warrants for the officers involved. At year's end the case remained under investigation by the AG and the PNCIG.

There were no developments during the year regarding the investigation into the killing of Melvin Guadalupe during 2004 riots in San Salvador, during which the police reportedly used excessive force.

On September 26, the Inter-American Court of Human Rights asked the Government to protect the lives of the family of Mauricio Garcia Prieto, who was killed in 1994 by three armed men with suspected ties to the armed forces, and the family's legal counselors at the Institute of Human Rights of the University of Central America (IDHUCA).

On March 2, the Inter-American Commission on Human Rights (IACHR) admitted for review a 1990 petition filed by the Legal Aid Office (Oficina de Tutela Legal) of the Archbishop of San Salvador, alleging the Government's responsibility for violating the human rights of 765 persons killed extrajudicially during a 1981 military operation known as the "El Mozote Massacre," conducted by the armed forces' Atlacatl Battalion in the cantons of La Joya and Cerro Pando, and in the villages of El Mozote, Jocote Amarillo, Rancheria, and Los Toriles.

During the year there were no further developments regarding whether the Government would reopen the case of the 1980 killing of Archbishop Oscar Romero, despite continued calls by the Catholic Church to reopen the investigation.

There were no developments in the PNC's investigation of discoveries of a number of decapitated bodies of persons killed in 2005, possibly due to gang violence.

b. Disappearance.—There were no reports of politically motivated disappearances. Most disappearances were criminal kidnappings for ransom, and there were no reports of kidnappings by governmental actors. According to statistics from the AG, 16 persons were kidnapped during the year, compared with 10 during 2005. Of the 16 cases, 12 were resolved and four remained under investigation.

The Association for the Search of Disappeared Children (Pro-Busqueda) investigated 97 cases of children who disappeared during the year and in previous years, opened files for 22 new cases, organized 10 family reunification meetings, and determined the location of 15 children who had disappeared, two of whom had died.

At year's end the IACHR had not published any findings regarding its February 2005 reopening of the 1982 case of the disappearances of Gregoria Herminia, Serapio Cristian, and Julia Ines Contreras, captured by members of the military's Fifth Infantry Brigade during an operation carried out at La Conacastada, San Vicente Department. On December 12, Pro-Busqueda organized the family reunification of Gregoria Herminia Contreras with her biological mother.

On September 22, the Inter-American Court of Human Rights issued a resolution stating that the Government had not complied with the measures set out in the Serrano Cruz case and ordered once again that the state "adopt all the measures necessary to ensure that the points of the sentence pending completion are given effect and observed as soon as possible." The court asked the Government to present a report before January 19, 2007, in which the Government would confirm its compliance with all of the reparation measures.

The reparation measures ordered by the court included that the Government publish the sentence in a national newspaper, designate a day dedicated to the children who disappeared during the internal armed conflict between 1980 and 1992, and pay Pro-Busqueda's $38,000 in court costs.

On December 28, the Government published the court's sentence in the leading daily La Prensa Grafica. The Government also designated March 29 as the Day for Disappeared Children of the Armed Conflict, and paid Pro-Busqueda's court costs. According to media accounts, the court also stated that the Government had not yet adequately complied with other requirements of the resolution, including providing free medical and psychological treatment for relatives of the victims; creating a website to search for children who disappeared; forming a national search commission to search for children who disappeared; and developing a system to enable the conservation of genetic data for determining family relationships.

There were no developments regarding the IACHR's October 2005 agreement to review the 2001 complaint filed by Pro-Busqueda and the Center for Justice and International Law (CEJIL) regarding the 1983 disappearance of three-year-old Jose Ruben Rivera, who was allegedly abducted by the military's Fifth Infantry Brigade, and the subsequent failure of the Government to investigate and make reparations for these violations.

There were no developments regarding the IACHR's October 2005 acceptance for review of a 2001 complaint filed by Pro-Busqueda and CEJIL concerning the disappearance of Ana Julia and Carmelina Mejia Ramirez, allegedly abducted by the military's Atlacatl Battalion in 1981, and for the Government's subsequent failure to investigate and make reparations.

On November 9, the IACHR admitted the case of Jose Adrian Hernandez Rochac, who disappeared in 1980 when he was five years old during a military operation carried out by the Salvadoran Air Force in San Jose Segundo, San Salvador Department.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, but during the year the PDDH received 824 complaints that PNC officers used excessive force or otherwise mistreated detainees. The PDDH found PNC officers responsible in 33 cases. The PNCIG received 22 petitions to investigate cases of alleged violations of personal integrity.

On October 17, police officers Juan Pablo Reyes Guevara and Jose Mauricio Trejo of the PNC's counternarcotics unit allegedly injured two persons near the University of El Salvador during a routine search. At year's end the AG was investigating the case.

Through November the PNCIG received 1,499 complaints of police misconduct and submitted 12 of these to special investigation units. The PNCIG sanctioned 2,778 officers in response to complaints filed during the year and in previous years. The sanctions included dismissing 369 officers for misconduct, suspending 453 from work without pay for serious violations, and suspending 1,956 from work without pay for minor infractions.

On March 31, police officer Wilfredo Antonio Romero Garcia was sentenced to six years in prison on sexual abuse and extortion charges in connection with a 2005 PNC investigation finding that six PNC agents had forced alien minors to have sex with them to avoid deportation. Romero Garcia presented a petition before the Criminal Chamber of the Supreme Court to annul the sentence. By year's end the Supreme Court was considering Romero's appeal. The other five PNC agent defendants remained in pretrial detention.

Prison and Detention Center Conditions.—Prison conditions remained dangerous and harsh. Overcrowding constituted a serious threat to prisoners' health and lives. The prison population increased for the sixth consecutive year.

There were 14,682 prisoners held in 21 correctional facilities and two secure hospitals wards, with a combined designed capacity of 7,372 persons. At year's end 9,893 inmates had been tried and convicted, and 5,841 were held in pretrial detention. During the year 44 inmates escaped from correctional facilities; 22 were recaptured.

Through December correctional facilities authorities reported 14 riots in nine prisons in Apanteos, Chalatenango, Ciudad Barrios, Cojutepeque, Ilopango, Oriental, Quezaltepeque, San Francisco Gotera, San Miguel, Santa Ana, and Zacatecoluca. Between February 3 and 4, several inmates at La Esperanza Central Penitentiary broke out of their cells and temporarily took control of cell blocks. In March and May prisoners rioted briefly at La Esperanza before authorities reestablished control of the facility.

On February 22, the vice minister of governance criticized penitentiary judges' backlog, stating that the cases of 380 inmates who had fulfilled all legal, social, and psychological requirements for parole were still pending review.

Prison authorities reported that during the year 18 prisoners died due to violence, and 25 died due to natural causes. Prisoners obtained weapons that had been smuggled into prisons, in some cases apparently with the knowledge of guards.

Prison authorities seized from prisoners 14,759 bags of marijuana, 2,658 bags of crack cocaine, 56 bags of cocaine, 357 cell phones, 529 machetes, 1,121 knives, 1,963 homemade edged weapons, 13 improvised explosive devices, and nine ounces of poison.

Gang activities in prisons remained a serious problem.

By year's end 4,375 inmates were gang members, which was approximately 25 percent of the prison population. Gangs continued to exercise influence within the prisons and the judicial system, and prisoners reportedly continued to run criminal activities from their cells. Gang violence in juvenile holding facilities was a serious

problem. Following discussions over several weeks with a commission of the Directorate of Prisons, gangs within the maximum-security prison at Zacatecoluca ended a hunger strike that began in September 2005.

In March the Directorate of Prisons, the Ministry of Health, and the HIV/AIDS nongovernmental organization (NGO) FUNDASIDA began implementing a voluntary HIV testing program for inmates in the nation's penitentiaries. Between March and August approximately 7,069 inmates underwent voluntary HIV testing. During November and December prison employees received medical training for dealing with HIV-positive inmates, and prison staff trained 51 prisoners to conduct HIV/AIDS awareness-raising campaigns among inmates.

On October 5, a prison guard at Apanteos penitentiary reportedly attempted to provide illegal drugs for inmate consumption. At year's end the AG was investigating the case.

On January 13, sentencing judges acquitted 13 Mariona prison inmates previously found guilty of homicide in August 2005 in relation to a 2004 prison riot.

By year's end there were no new developments regarding the recapture of seven remaining prisoners who had escaped in September 2005 from Ilobasco Penitentiary.

Due to a lack of holding cells, pretrial detainees often were sent to regular prisons where sometimes they were placed together with violent criminals.

The Government permitted prison monitoring visits by independent human rights observers, NGOs, and the media; such visits occurred during the year.

d. Arbitrary Arrest or Detention.—Although the constitution prohibits arbitrary arrest and detention, there were complaints that at times the PNC arbitrarily arrested and detained persons. The PNCIG reported that by year's end it had received 304 complaints of arbitrary acts, including arbitrary arrest, and 149 other complaints that police officers acted beyond the scope of their authority. The PDDH reported that through December PNC officials were responsible for 30 cases of arbitrary detention and 33 cases of excessive use of force and mistreatment of detainees.

On September 26, the Inter-American Court of Human Rights asked the Government to take necessary measures to protect Major Adrian Melendez Quijano and his family, who filed a complaint in August against Defense Minister Otto Alejandro Romero for illegal detention and labor rights violations.

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 a few PNC patrols in rural areas and also gave support to the law enforcement agencies for specific activities, including antinarcotics efforts. The Ministry of Governance headed the Anti-Gang Task Force. Approximately 823 military personnel were deployed to protect police in high crime areas. Military personnel, however, do not have arrest authority.

The PNC's effectiveness was undermined by inadequate training, corruption, insufficient government funding, and the lack of a uniform code of evidence. Persons could report complaints about PNC abuses to the PDDH or the PNCIG, which then investigate the case or refer the matter to the AG for further review.

The PNCIG reported that during the year 1,652 officers received human rights awareness training. The Salvadoran Institute for the Development of Women (ISDEMU), a government agency, gave training to the police regarding prevention of rape, child abuse, and related offenses. The NGO "Norma Virginia Guirola de Herrera" Women's Studies Institute also trained police regarding the treatment of women. The International Law Enforcement Academy for training police, prosecutors, and other public security and judicial officials began operating during the year at temporary facilities in Santa Tecla.

By year's end the AG reported receiving 301 complaints of alleged irregularities against prosecutors, compared with 215 complaints for the year 2005. The irregularities included workplace harassment, sexual harassment, corruption, fraud, and lack of due diligence in presentation of charges before a court.

Arrest and Detention.—The constitution and the law require 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 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, a detainee was able to request a review by the Supreme Court of the 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. Because of a lack of holding cells, such detainees often were sent to regular prisons where they might be placed together with violent criminals (see section 1.c.). The law permits a judge to take up to six months to investigate serious crimes before requiring either a trial or dismissal of the case. In exceptionally complicated cases, the prosecutor may ask the appeals court to extend the deadline for three or six months, depending on the seriousness of the crime. Many cases were not completed within the legally prescribed time frame. As of December 4,789 inmates were held 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 from the country's civil and criminal laws. Impunity remained a significant problem, undermining respect for the judiciary and the rule of law. As of September the civil courts reported a workload of 4,500 cases.

On June 27, the AG announced it was investigating seven judges for corruption. By year's end the Supreme Court had sanctioned two and ordered disciplinary procedures against the other five. The Supreme Court also sanctioned 25 other judges.

On July 1, the Supreme Court issued a public statement that it would discharge corrupt or negligent judges, and that it would improve internal controls through a new process of judicial investigations to address the failure of judges to follow procedures, judges' absences from legal proceedings, and other sanctionable offenses.

On August 25, Supreme Court Justice Mirna Perla telephoned and visited first-instance judges in an attempt to influence them to transfer Doctor Yomar Vallejo, a staff member of the Social Security Institute (ISSS) awaiting trial on charges of corruption, from a military hospital to a public hospital. On August 30, Perla alleged that Vallejo required special attention that the military hospital could not provide.

CID-Gallup polls in October revealed citizens' belief that judicial system inefficiencies allowed criminals to escape from justice. Many judges allowed unjustified trial delays, but few were ever sanctioned for this practice. NGOs such as the Foundation for Studies in Legal Application, the Salvadoran Foundation for Economic and Social Development, and IDHUCA continued to complain that the Supreme Court did not respond adequately to public criticism and did not make a comprehensive effort to remove unqualified and corrupt judges.

The PNC, prosecutors, public defenders, and the courts continued to have problems with criminal investigations. 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.

There were no developments regarding any investigation of the killing or any arrest of gang members who killed trial witness Antonio Alexander Pacas in September 2005.

On March 14, the IACHR admitted a 2000 IDHUCA complaint alleging the Government's responsibility in the violation of the right to a fair trial and other human rights of Supreme Electoral Tribunal Magistrate Eduardo Benjamin Colindres, whom the Legislative Assembly dismissed from his job on grounds of performance irregularities. At year's end the IACHR continued to examine the merits of the case.

On May 15, Levis Italmir Orellana, President of the Judges and Appellate Judges Association, stated that a witness and victim protection law, passed by the legislature on April 26, was unconstitutional. The law went into force on August 22. Italmir Orellana asserted that he and other judges would not enforce its provisions because of what they viewed as a conflict with the presumption of innocence and a defendant's right to confront his or her accuser.

On June 28, sentencing judges Manuel Edgardo Turcios, Rosa Estela Hernandez, and Ramon Ivan Garcia compelled four sexually abused minors to testify in front of their stepfather, who allegedly had raped them, violating established law and AG guidance proscribing forcing sexual abuse victims to testify in the presence of their alleged abusers. The AG and NGOs publicly criticized the judges' decision, but because the victims did not present a complaint to the Supreme Court regarding the

violation of the established law, the judges were not sanctioned for their behavior. On July 11, the Fourth Sentencing Tribunal in San Salvador sentenced the stepfather to 18 years imprisonment and ordered him to pay a $1,000 fine.

On June 27, the AG announced it had initiated investigations against seven judges for corruption and malfeasance, including for compelling victims of sexual abuse to testify in the presence of their alleged abusers.

On August 22, the Government inaugurated a new center for victims and witnesses but allocated inadequate resources to enable the center to provide victims with adequate care.

During the year the AG received 301 complaints of prosecutorial irregularities, including bribery, negligence, and failure to attend legal proceedings, compared with 215 in 2005.

There were no new developments, and none were expected, regarding the criminal court's 2004 decision to release from police custody, and to dismiss charges against, criminal court legal clerk Graciela Roque, in connection with the 2004 flight from justice of Raul Garcia Prieto.

At year's end there were no developments, and none were expected, regarding an appellate court's 2004 decision to uphold a lower court ruling to transfer defendant Fernando Palacios Luna, convicted of kidnapping and organized crime, from a maximum-security to a medium-security prison.

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 (CNJ), 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.

On October 5, the President of the CNJ recommended that the Supreme Court sanction 39 judges following an evaluation of the conduct of 652 judges in 2005.

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 Inter-American Court of Human Rights and the IACHR, 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. During official Presidential addresses to the country, all telecommunications media routinely were blacked out except for radio and television stations carrying the President's presentation. NGOs commented that this exerted a chilling effect on free speech. The independent media were active and expressed a variety of views without restriction. International media were allowed to operate freely.

There were no further developments, and none were expected, regarding the 2004 convictions for public disorder and the sentencing of defendants to two-year sus-

pended sentences in relation to attacks on journalists and the burning of media vehicles in 2004 during a demonstration by social security workers.

International NGOs generally commented positively on the status of press freedom in the country. Some media groups asserted, however, that a criminal code provision allowing judges to close court proceedings if public exposure could prejudice a case abridged press freedom. According to some practitioners and observers, at times newspaper editors and radio directors discouraged journalists from reporting on topics or presenting views that the owners or publishers might not view favorably.

Following the fatal shootings of police officers during a July 5 riot at the University of El Salvador (see section 1.a.), social activist Gilberto Garcia reportedly attempted to intimidate La Prensa Grafica photographer Milton Flores during preliminary hearings against Luis Antonio Herrador. At the hearings Herrador and former Mejicanos city councilman Jose Belloso Castillo were charged as accomplices in the shootings. Garcia stated that his presence at the hearings was connected to his work as a media correspondent. Flores's photographs were key evidence in the case against the fugitive Belloso Castillo (see section 1.a.).

On July 8, the Salvadoran Press Association strongly condemned violence against journalists covering the events of July 5 (see section 1.a.), including attacks and property destruction by demonstrators against Teledos television reporter Ernesto Landos, El Diario de Hoy photographer Felipe Ayala, and YSUCA radio reporter Ivan Perez.

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 could engage in the peaceful expression of views via Internet, including by electronic 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. On September 21, the Legislative Assembly passed new counterterrorism legislation, which FMLN leaders alleged was instituted to undermine the ability of demonstrators to carry out civil disturbances to protest government policies. During July 5 demonstrations, masked individuals vandalized public and private property, and a former FMLN councilman fatally shot two police officers and wounded 10 others. Police did not use lethal force and no demonstrators suffered serious injuries (see section 1.a.).

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 Governance Ministry delayed approval of legal status for NGOs with particular human rights or political agendas. There were no developments regarding the Governance Ministry's 2005 denial of legal status to En Nombre de la Rosa, a homosexual and transvestite advocacy NGO (see section 5).

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. Under the law for nonprofit organizations and foundations, the Ministry of Governance has responsibility for registering, regulating, and overseeing the finances of NGOs, non-Catholic churches, and other religious groups. The law exempts unions, cooperatives, and the Roman Catholic Church from this registration requirement. Although the law prohibits visitors to the country from proselytizing while on a visitor or tourist visa, 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.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice.

The constitution prohibits forced exile, and the Government observed this prohibition in practice.

Protection of Refugees.—The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government established a system for providing protection to refugees. In August the President enacted new regulations relating to

the status of refugees. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution. During the year the Government received two refugee petitions from Sri Lankan nationals and granted the two applicants refugee status. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 UN Convention or 1967 Protocol. The Government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Pursuant to concerns brought by the UNHCR to the Government, in April the Government granted refugee status to 29 Nicaraguans who had moved to the country during the 1980s but had never completed procedures for receiving refugee status.

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 March elections, described as free and fair by international observers, the ruling center-right 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 center-right National Conciliation Party (PCN) and the five deputies of the center-left Christian Democratic Party (PDC) to maintain a simple working majority. The opposition FMLN Party won 32 seats in the March elections.

In 2004 ARENA party candidate Elias Antonio Saca won the Presidential election, which the Organization of American States and other international observers reported was free, fair, and with few irregularities.

The country's vice President was a woman, and 13 of 84 legislators were women. There were five women on the 15-member Supreme Court.

No persons identified as members of an ethnic or religious minority held leadership positions in the Government or the Legislative Assembly.

Government Corruption and Transparency.—There were reports of substantial government corruption during the year within the judicial system (see section 1.e.), as well as in the executive and legislative branches.

On grounds of lacking jurisdictional competence, on May 12, the AG declined to proceed with a challenge brought by a justice of the Supreme Court contesting a June 2005 decision by the Supreme Court holding that a request by the court's probity section for bank records of former cabinet members of the 1999–2004 Flores administration violated due process.

During the year, acting on a petition of the Probity Section of the Supreme Court, the AG prosecuted 30 public officials, including 17 legislators and former legislators, 12 members of municipal councils, and a former director of public transportation. By year's end eight legislators had paid the fines imposed upon them by the Supreme Court, and the assets of eight other public officials were ordered embargoed.

On November 29, the Legislative Assembly revoked the immunity of PCN Alternate Deputy Roberto Carlos Silva Pereira, accused of money laundering, illicit negotiations with mayors, and fraud. Following the revocation of immunity, the AG submitted the case to the First Appellate Court of San Salvador to determine whether to proceed with a trial. At year's end the court had not arrived at a decision.

Although the law provides for public access to government information, the public had difficulty accessing government budget figures, information involving investigations by the comptroller's office, and information on cases before the Supreme Court.

Section 4. Governmental Attitude 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 worker rights issues with NGOs and refused to discuss the topic with the PDDH. Domestic and international NGOs were required to register with the Government, and some reported difficulties (see section 2.b.).

The principal human rights investigative and monitoring body is the PDDH, whose head is elected by the Legislative Assembly for a three-year term. The PDDH operated independently, without government or political party interference. On August 17, the Fourth Chamber of First Instance of the Court of Accounts found 16 administrative failures and four financial failures against the PDDH amounting to

$21,585.27, relating to the 2004 fiscal year. By year's end the PDDH had appealed the court's verdict.

During the year the PDDH reported receiving death threats from unknown sources. 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. In some cases, however, the Government did not take action on PDDH reports' recommendations, which are not legally binding.

By year's end the PDDH had accepted 2,703 complaints of human rights violations (see sections 1.a. and 1.c.) and had issued 1,082 preliminary decisions and 660 final decisions for cases filed during the year and previous years. The rights most frequently alleged to have been violated related to personal integrity, freedom of movement, labor laws, access to justice, and personal security. The PDDH provided no information regarding the number of cases it dismissed or the number of cases in which it issued recommendations.

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

Although the constitution and laws 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 regarding salaries and hiring.

Women.—Violence against women, including domestic violence, was a widespread and serious problem. The law prohibits domestic violence and provides for sentences ranging from one to three years in prison. In addition convicted offenders are prohibited from using alcohol or drugs and from carrying guns. The length of the prohibition depends on the circumstances of the case and is at the judge's discretion. The law also permits the imposition of restraining orders against offenders. Domestic violence was considered socially acceptable by a large portion of the population. Few victims filed complaints against abusers, and the police reportedly at times were reluctant to pursue charges in such cases. ISDEMU conducted public awareness campaigns against domestic violence and sexual abuse in coordination with the judicial and executive branches and with civil society groups.

During the year ISDEMU received 4,792 reports of domestic violence, compared with 4,033 complaints in 2005 and 4,329 in 2004, and the PNC received 773 complaints of domestic violence during the year.

Incidents of domestic violence and 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.

Government institutions such as the PDDH, the AG, 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 hot line and a shelter for victims of domestic abuse. Judges are permitted to give NGOs legal authority to assist victims of domestic violence.

Rape and other sexual crimes against women were widespread and serious problems. ISDEMU received 891 cases of sexual abuse, including rape. The PNC received reports of 488 rapes against children and 869 rapes against women, in comparison with 455 cases of rape and 225 cases of other sexual assaults during 2005. There was no information available on the number of rapes and other sexual assaults that were gang-related.

The law permits the AG to prosecute rape cases with or without a complaint from the victim and does not permit the victim's pardon to nullify the criminal charge. In general the penalty for rape is six to 10 years in prison, but the law provides for a maximum sentence of 20 years for rape of certain classes of victims, including children and persons with disabilities.

ISDEMU conducted sensitivity and technical courses for the education, government, public health, and social assistance ministries; the judiciary; the PNC; the AG; and the ISSS. During the year ISDEMU provided psychological assistance to 13,872 victims of rape and other forms of sexual abuse, child abuse, and domestic violence.

Although the law does not specifically address spousal rape, it may be considered a crime if the actions meet the definition of rape in the criminal code.

Although prostitution is legal, the law prohibits inducing, facilitating, promoting, or giving incentives to a person to work as a prostitute. Prostitution remained com-

mon, and there were credible reports that some women and girls were forced into prostitution (see section 6.c.). There were no reports that police or other public security officials condoned or engaged in abuse of persons engaged in prostitution.

There were no reports of sex tourism. Trafficking in women and girls for purposes of sexual exploitation was a problem (see section 5, Trafficking).

The law prohibits sexual harassment and stipulates penalties of three to five years in prison for those convicted of harassment, or four to eight years in cases where the victim was a minor under the age of 15. 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. It was difficult to estimate the extent of the problem. Underreporting by victims of sexual harassment appeared to be related to traditional cultural norms. ISDEMU estimated that 40 percent of incidents of sexual abuse and rape were preceded by sexual harassment. Even though pregnancy testing as a condition for employment is illegal, some employers, including maquila factories in the export processing zones (EPZs), required female job applicants to present pregnancy test results and also fired workers found to be pregnant (see section 6).

The constitution grants women and men the same legal rights under family and property law, but at times women did not receive equal treatment in practice. The law establishes sentences of one to three years in prison for public officials who deny a person's civil rights based on gender. Although the law provides for a prison sentence of six months to two years for employers who discriminate against women in labor relations, it was difficult for employees to report such violations because they feared reprisals.

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.

A 2003 UN Development Program study, the most recent available, reported that women earned on average $3,350 per year, compared with $7,381 for men. In the maquila sector, where women formed approximately 85 percent of the labor force, men held the majority of positions in management and in departments where employees received higher wages.

During the year ISDEMU gave human rights awareness training on various issues, including prevention of domestic violence, public policies relating to gender, and HIV/AIDS to approximately 12,300 men and women. ISDEMU, along with Foundation for Small and Medium-Sized Enterprises and the Salvadoran Institute for Professional Training, also supported combating economic discrimination through providing technical and financial assistance to 1,305 female heads of household in 25 municipalities.

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.

The Government focused on improving children's education, with the goal of creating a more competitive work force through continuing programs that supported bilingual studies and computer and mathematics skills.

The Ministry of Education and the Ministry of Labor, with foreign government assistance, coordinated the APRENDO program that raised 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 UN Children's Fund (UNICEF) 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. 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. Rural areas fell short of providing a ninth grade education to all potential students, due to a lack of resources and because rural parents often withdrew their children from school by the sixth grade to work. The majority of private schools dismissed adolescent females in cases of pregnancy but authorized adolescent males who were expectant fathers to continue studying.

Boys and girls enjoyed equal access to state-provided medical care.

Child abuse was a serious and widespread problem. ISDEMU reported 2,932 cases of child abuse, including 623 cases of negligence, 468 cases of mistreatment, 434 cases of children living on the streets, 265 cases of sexual abuse, 260 cases of abandonment, and 79 cases of children employed as beggars.

Notwithstanding unsubstantiated reports in previous years of police abuse of street children, during the year the PNCIG and the PDDH received no reports of PNC abuse of street children. The Government provided street children with food, shelter, and healthcare. There were 174 street children housed in ISNA shelters, but ISNA lacked adequate resources to provide assistance to all street children.

As of September ISNA reported 184 cases of sexual crimes against children, including prostitution, rape, statutory rape, and molestation; 411 cases of negligence; 186 cases of abandonment; 184 cases of domestic violence; and 53 cases of exploitation as beggars. International Labor Organization (ILO) data indicated that there was societal tolerance toward having sexual relations with minors.

The law prohibits participating in, facilitating, or purchasing materials containing child pornography and sanctions offending adults with prison sentences of up to 16 years. Following the August publication of an article in La Prensa that reported despite legal prohibitions, pornographic materials remained available through vendors in San Salvador, police in the capital undertook a crackdown to stop the sale and distribution of pornographic materials.

Child labor remained a widespread and serious problem. In September the Ministry of Education reported that its 2004–2005 school attendance census, the most recent available, revealed that approximately 15 percent of students between five and 17 years old worked, with children in rural areas most likely to be involved in work activities (see section 6).

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country. Trafficking in persons and forced prostitution are felonies, penalized by four to eight years' imprisonment. If the trafficking victim is under 18, suffers mental or physical disease, suffers violations to 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.

The country was a source, transit, and destination country for women and children trafficked for the purpose of sexual exploitation. The country was also a source country for 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 bars and border regions. Sex trafficking of minors occurred within the country's borders, as did sex trafficking in which commercial sex was induced by force, fraud, or coercion. According to the ILO's International Program to Eliminate the Worst Forms of Child Labor (IPEC), 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. In October the ILO stated that children were most vulnerable to become victims of trafficking.

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. Some victims were transported by organizations. Most victims, however, entered the country on their own from Nicaragua, Honduras, and other neighboring countries in response to job offers to work as domestic servants but upon arrival were forced into prostitution.

By year's end the AG had prosecuted 35 cases of trafficking, with four cases resulting in convictions of seven traffickers. Traffickers received sentences between three and 20 years in prison.

On February 1, Santa Tecla Justice of the Peace Eduardo Tenorio acquitted Jose Miguel Clara Uriarte, Oscar Ernesto Rodrϕguez Perez, Jorge Armando Rodrϕguez, and Roberto Carlos Melgar Suria of charges of sexual exploitation, rape, child pornography, alien smuggling, and prostitution of three Nicaraguan girls between 14 and 16 years of age. Tenorio claimed that the victims had entered the country of their own free will and that during their brief time in the country had not generated income for the defendants. The ILO and the AG publicly contested the decision on

the grounds that it violated domestic laws and international conventions. On October 26, the Second Criminal Judge of Santa Tecla confirmed Judge Tenorio's decision. The AG appealed the decision, but an appellate court acquitted the defendants temporarily and offered the AG one year to present new evidence against them.

On July 11, Juan Santos Martinez was sentenced to 20 years in prison for rape, violation to the right of freedom of transit, and trafficking in persons in relation to the purchase of a 13-year-old girl in Belize in August 2005.

There were no new developments, and none were expected, in the AG's attempt to reopen the case of Sara Elizabeth Galdamez de Orellana, arrested in 2004 for procuring for prostitution three girls aged 14 to 16 in Metapan, but acquitted by a justice of the peace for lack of evidence.

On March 5, the minister of foreign affairs formally swore in the National Committee to Combat Trafficking in Persons, comprising the Government agencies responsible for addressing trafficking in persons. Government agencies on the committee included the Alien Smuggling and Trafficking in Persons Unit of the Office of the Attorney General; the PNC; ISNA; and the foreign affairs, governance, treasury, education, labor, health, and tourism ministries. The ILO and UNICEF advised and provided financial support to the committee.

During the year the Ministry of Labor, along with the ILO, trained and provided trafficking awareness training to 60 PNC agents of the trafficking and alien smuggling division, 280 officers and 21 agents of the trafficking prevention unit, and 1,800 officers from other units. The National Academy of Public Security, the Ministry of Labor, and the ILO trained 62 new PNC agents on trafficking issues. Additionally the Ministry of Labor and the ILO gave trafficking awareness training to 75 Ministry of Education psychologists, 90 ISDEMU staff members, 90 judges, and 145 agents of the Migration Directorate.

During the year the Government coordinated 14 cases of trafficking in cooperation with INTERPOL and Guatemalan, Belizean, Nicaraguan, and Mexican authorities, resulting in 24 arrests. By year's end there were no extraditions based on trafficking charges.

The Government detained illegal migrants, including those who might have been trafficking victims. When illegal immigrants who were victims of trafficking were older than 18 years and did not request assistance or express fear for their lives, they were deported under the immigration law. Persons under 18 years of age were repatriated through ISNA cooperation with the counterpart organization in the victim's country of origin. The PNC encouraged national 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.

The Government provided access to 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, the NGOs Las Dignas, CONAMUS, Flor de Piedra, FESPAD, and CARITAS, provided legal counseling and human rights awareness to victims of trafficking. CEMUJER, IDHUCA, CONAMUS, the International Office on Migration, and the ILO had programs to prevent trafficking. On April 29, the Government opened a shelter for victims of trafficking. As of October 58 trafficking victims had received shelter, many of whom were minors later repatriated to their families or countries of origin. At year's end 12 trafficking victims were living at the shelter.

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, nor did it effectively enforce legal requirements for access to buildings for persons with disabilities. There was discrimination against persons with disabilities in employment and education.

The Government made inadequate efforts during the year to combat discrimination and increase opportunities for persons with non-war-related mental and physical disabilities. The law requires that one of every 25 employees hired by private businesses be a person with disabilities. Even though there were no reliable data 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.

There were no developments, and none were expected, regarding an October 2005 ruling of a justice of the Constitutional Chamber that a criminal court had violated

a deaf man's right of defense by failing to provide a sign language interpreter during March 2004 judicial proceedings relating to child abuse charges.

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.

The National Council for Disabled Persons (CONAIPD) is the Government agency responsible for protecting the rights of persons with disabilities. Through year's end CONAIPD provided medical and psychological assistance to 28,025 persons with disabilities. It trained 182 officials from different government agencies in sign language and coordinated the first Central American Special Olympics for persons with disabilities. CONAIPD also conducted awareness campaigns to promote hiring of persons with disabilities and to improve the treatment of persons with disabilities in the employment, education, and health sectors. Through December the National Registry of Persons reported that there were 200,728 persons over 18 years of age with disabilities.

The Rehabilitation Foundation (Teleton), in cooperation with the Salvadoran Institute for the Rehabilitation of the Disabled, continued to operate a treatment center to offer services to 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, Lencas in the eastern region, and Cacaoperas also 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 to a recognizable degree 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.

Access to land was a problem for indigenous persons. Because few possessed title to land, bank loans and other forms of credit were extremely limited. In a March session, the UN 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 drinking water; the low level of indigenous participation in government and public affairs; and that indigenous persons did not have access to their sacred sites of worship in the same ways as followers of other religions.

The CERD expressed concerns about government assertions that there was no racial discrimination. The CERD noted discrepancies between government assessments that the country was ethnically homogenous and credible indications that specific indigenous populations lived in the country. The CERD recommended that the Government consider granting legal recognition to indigenous persons.

During the year five schools in the western part of the country continued operating an after-school Nahuat language program, in which 817 students participated. The Government's National Committee for Art and Culture, in cooperation with the Inter-American Development Bank, the Pan-American Health Organization (PAHO), and Don Bosco University, continued to support the program. There were no government programs dedicated to combat discrimination against indigenous persons.

Other Societal Abuses and Discrimination.—During the year IDEMU received 584 complaints of domestic violence against the elderly.

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 (see section 2.b.). As in the previous year, in September the Ministry of Labor along with the Ministry of Health launched another campaign to eliminate workplace discrimination based on pregnancy or HIV status as part of a comprehensive effort to combat an increase in HIV cases.

A 2005 PAHO report, the most recent available, revealed that HIV/AIDS patients suffered from a lack of information and supplies. 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 National Health Survey presented in September, only half of the population between the ages of 15 and 24 were sufficiently aware of methods for preventing HIV infection.

There were no new developments regarding any investigation of two bodyguards of the prisons director who in September 2005 were accused of sexually abusing a transvestite minor whom they picked up on the streets in a government vehicle. The defendants remained on bail pending trial.

There were no developments, and none were expected, regarding any investigation into the 2004 separate killings of transvestite Jose Flores Natividad Duran and transvestite David Antonio Andrade Castellano.

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.

During the year 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, 10.2 percent of the country's total workforce in the formal and informal sectors was unionized, compared with 9.1 percent in 2005.

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. Of those, 274,931 were women, and 221,610 were men.

On July 24, the Ministry of Labor granted legal status to the airport maintenance workers union following a workers' appeal contesting a June 9 ministry decision denying legal status on technical grounds.

On September 18, members of the communications union SITCOM filed an appeal with the Ministry of Labor contesting the ministry's denial of the union's legal status. On November 15, the ministry upheld its previous decision to deny SITCOM's legal status.

The law does not require employers to reinstate illegally dismissed workers. Employers dismissed workers who tried to form unions, and in most cases the Government did not prevent their dismissal or seek their reinstatement.

On November 15, the Third Sentencing Court of San Salvador sentenced to two years in prison Hermosa Manufacturing Co. owner Joaquin Salvador Montalvo Machado, for illegally retaining workers' payments to the ISSS and pension system. Mantalvo was also fined $144,724.05, which he paid. At year's end, however, payment of wages and benefits due to workers remained pending in the courts. In September the Ministry of Labor imposed fines of $2,399.88 on the company in response to a June 2005 suit brought by the National Federation of Salvadoran Workers before the ILO.

Using mediation provided by the Ministry of Labor, on November 9, ISSS officials and labor leaders of the Social Security Workers Union reached a settlement of a labor dispute under which ISSS employees would receive a monthly salary increase of $80 in May 2008. The settlement also included a two-year extension of the collective bargaining agreement and a provision that the new collective bargaining agreement would be registered with the ILO to provide legal assurances for workers and the ISSS.

On February 13, the owners of Evergreen Manufacturing Company closed their factory permanently, and pursuant to a labor ministry directive sold the factory's machinery and paid wages and other legal benefits to workers.

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 the dismissal of labor activists and the circulation of lists of workers who would not be hired because they had belonged to unions.

Through December the Ministry of Labor reported that the country had 205 active registered unions, 20 labor federations, and four labor confederations, with a combined membership of 168,849 workers.

By end of the year workers fired in 2005 for organizing the legally recognized Port Industry Workers Union of El Salvador, and whose case the Public Services Union Federation of El Salvador brought before the ILO in June 2005, still had not been rehired. The Ministry of Labor imposed fines on port enterprises that refused to rehire worker union members.

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. At year's end the Ministry of Labor reported 264 collective bargaining agreements in effect, covering 54,209 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.

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.

On March 2, the IACHR accepted for review a 2003 complaint filed by the NGO Derechos Humanos para las Americas, alleging that the Government violated the human rights of the founding members of the Ministry of Education Workers Union in denying it legal status. Through December there were no further developments in this case.

In order for a strike to be legal, 51 percent of workers in an enterprise must support a strike, 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 first 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 four days from the time the Ministry of Labor notifies the employer before beginning the strike.

There were 123 maquila plants, 56 of which were located in the country's 15 EPZs. There are no special laws or exemptions from regular labor laws inside the EPZs. There were credible reports that some factories in the EPZs dismissed union organizers; there were no collective bargaining agreements among the 15 unions active in the maquila sector. Maquila workers reported verbal and physical abuse, as well as sexual harassment by supervisors (see section 5).

The Government did not allocate sufficient resources for adequate inspection and oversight to ensure respect for association and collective bargaining rights in EPZs. There continued to be allegations of corruption among labor inspectors in the maquilas. The ILO Committee of Experts noted allegations by unions that maquila companies set production targets requiring employees to work beyond the ordinary working day without pay and under threat of dismissal and asked the Government to document the number of instances in which workers alleged imposition of labor outside the ordinary working day.

The Ministry of Labor and the Ministry of 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.

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 (see section 5, Trafficking).

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.

On September 20, the Government launched its first comprehensive national plan to eliminate child labor, by aiming within four years to reduce the worst forms of child labor among 288,221 children and youth between five to 17 years of age. The plan was a collaborative effort by the labor, education, health, agriculture, foreign affairs, tourism, governance, and economy ministries, the National Secretariat for the Family, the National Secretariat for Youth, ISNA, the Small and Medium Enter-

prises Committee, the National Superior Labor Council, the National Roundtable Against Sexual Commercial Exploitation, and the National Committee for the Elimination of the Worst Forms of Child Labor, coordinated with IPEC.

As of September IPEC had removed 1,503 children from work activities. There was no data available regarding the approximate number of children working in the country during the year.

The law limits the workday to six hours, plus a maximum of two hours of overtime, for youths between 14 and 16 years of age and sets a maximum normal workweek for youths at 34 hours. For all sectors of the economy, the law prohibits those under the age of 18 from working in occupations considered hazardous (see section 6.e.). 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. There were no reports of child labor in the formal industrial sector.

With the exception of efforts among the Government, growers, and refiners to end child labor on sugarcane plantations, the Government did not devote adequate resources to enforce effectively child labor laws in agricultural activities, especially coffee production, and in the large informal sector. Orphans and children from poor families frequently worked for survival as street vendors and general laborers in small businesses. 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 (see section 5).

The Ministry of Labor had 163 labor inspectors distributed nationwide, 24 of whom specifically worked on child labor issues. The Government conducted monitoring and inspections, especially in the sugarcane cultivation sector, including 36 programmed inspections and six follow-up inspections affecting 9,755 workers, resulting in the removal of 149 children from child labor. The Government also conducted 33 child labor awareness campaigns in which 13,287 workers participated. The Ministry of Labor conducted 10,075 inspections, 6,315 follow-up visits, and issued civil penalties in 436 cases. The Government's National Interagency Committee for Elimination of the Worst Forms of Child Labor launched the first national plan against child labor.

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 $174.24 for service employees, $170.28 for industrial laborers, and $157.25 for maquila workers. The agricultural minimum wage was $81.51, except for seasonal coffee harvesters ($89.10), sugarcane workers ($75.57), and cotton pickers ($67.98). The minimum wage with benefits did not provide a sufficient standard of living for most workers with families.

According to the 2004 Multiple Household Survey, the most recent available, more than half of informal sector workers were women, whose incomes were often below the minimum wage. In general the Ministry of Labor enforced minimum wage laws effectively only in the formal sector. By year's end the ministry had imposed 22 fines on employers in the industrial, commercial, and service sectors due to nonpayment of minimum wages to employees.

Some maquila plants underpaid workers and failed to compensate workers for mandatory overtime. Corruption among labor inspectors and in the labor courts remained barriers to enforcing the minimum wage laws.

The law sets a maximum normal workweek of 44 hours, which is limited to no more than six days for all workers and requires bonus pay for overtime. The law mandates that full-time employees be paid for an eight-hour day of rest in addition to the 44-hour normal workweek. These standards were not enforced effectively. A number of workers who worked more than the legal maximum number of hours were not paid overtime. The law prohibits compulsory overtime.

The Ministry of Labor inspected 3,312 workplaces during the year and issued 700 recommendations for improvements in working conditions. There were 543 occupational safety and health committees at work in industries nationwide. The ministry, in conjunction with the private sector, organized 155 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, including prohibitions on the employment of persons under 18 years of age in occupations considered hazardous or morally dangerous. Health and safety regulations were outdated, and enforcement was inadequate due to the Ministry of Labor's restricted powers and the limited resources allocated to it by the Government. The law does not clearly recog-

nize 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 102,000. 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 334 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 mixed in 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 830-person Royal Grenadian Police, together with 200 rural constables, has a hierarchical structure and generally was effective in responding to complaints. However, lack of resources remained a problem. The police commissioner has instituted 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.

There was one report of a corrupt police officer in the Criminal Investigation Department during the year. Authorities brought charges against the officer and discharged him from the service. He was awaiting trial at year's end.

Authorities brought charges against the police officer who stole drugs and ammunition from the evidence room in 2005 and dismissed him from the force. He awaited trial at year's end. Authorities dismissed two other officers for fraud; they also awaited trial.

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 eligible. 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.

In March police detained the editor of a local paper and questioned him for an hour based on a suit lodged against him over the contents of an article (see section 2.a.).

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected this provision 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 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.

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.

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

In 2004 the High Court was set to resentence or possibly free 14 members of the "Grenada 17," who were convicted for the 1983 murder of Prime Minister Maurice Bishop, when the Government appealed the decision to the Eastern Caribbean Supreme Court. In June 2005 the Eastern Caribbean Supreme Court ruled that the group could take its case for resentencing to the Privy Council in London, but by year's end the matter had not yet been presented.

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.

In June the Prime Minister won a libel case he brought against the editor of a newspaper, and the editor was ordered to pay approximately $37,000 (EC$100,000). The Media Workers Association of Grenada (MWAG) accused the police of suppression of freedom of the press because authorities had detained and questioned the newspaper editor for one hour. The MWAG argued that the lawsuit that resulted in the detention and questioning should have been brought in civil court, not criminal. The editor ignored the fine and was threatened with closure, but by year's end nothing had been done about making him pay the fine or closing the newspaper.

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 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 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 miniscule.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution and law provide for these rights, and the Government generally respected them 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 UN 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 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 very close races.

In late 2005 the Government began an examination of the constitutional provisions regarding dual citizenship and qualifications for election to parliament. In February the Attorney General filed suit to nullify the 2003 election to parliament of a leading opposition member who maintains dual citizenship. In September the court handed down its decision against the Government, ruling that the Government should have filed its complaint according to election law, within 21 days of the vote; the defendant was awarded approximately $3,745 (EC$10,000). The Government appealed the decision, lost in the Court of Appeal, and was fined an additional $2,962 (EC$8,000).

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.—There are no laws mandating transparent reporting of political donations. According to the nongovernmental organization (NGO) Transparency International there was a serious perceived level of domestic corruption. The public perception of official corruption was nuanced, with a number of government officials perceived to be quite corrupt, others somewhat corrupt, and a few perceived to be incorruptible.

The Commission of Inquiry established to investigate whether Prime Minister Mitchell accepted money from a foreign citizen, reportedly in exchange for a diplomatic title, adjourned but had not yet issued its report by year's end. The Prime Minister continued to maintain that he was given $15,000 to cover travel expenses, not the $500,000 he was accused of receiving. The leader of the opposition won the right to cross-examine the witnesses in this case, but by year's end, the inquiry had not been reopened to allow him to do so.

Although there is no law providing for public access to government information, citizens may request access to any information that is not deemed classified.

Section 4. Governmental Attitude 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.

On September 13, the Truth and Reconciliation Commission (TRC), launched in 2001 to investigate the period between the mid–1970s and the late 1980s, presented its final report to the Government. The Government made no decisions about how to implement the recommendations, including whether to grant a retrial for the Grenada 17, and invited the public and NGOs to provide input. The legal affairs minister established a committee to review the findings of the TRC, and the committee was expected to hold a series of public consultations to recommend how they might be implemented.

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.—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 court convicted three men accused of killing their wives and sentenced them to life in prison. At year's end one new domestic violence case, in which a teacher allegedly killed his wife, was awaiting 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 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, 37 out of 96 cases dealt with either rape or related charges: nine rape cases, 13 indecent exposure cases, 11 unlawful carnal knowledge cases, three defilement cases, and one unnatural carnal knowledge case.

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 awareness amid the female population 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.

Government social service agencies reported 15 physical abuse and three sexual abuse cases during the year, equal to the number of child abuse cases in 2005. Abused children were placed either in a government-run home or in private foster homes. The law stipulates penalties ranging from five to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest.

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.

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. Such cases were rare, however, and on one recent occasion, a company reinstated temporary workers it had discharged in accord with their contract simply because the workers' union threatened to go on strike or take the company to court.

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. Port workers threatened to strike when three temporary employees were laid off in September; the union and the port authorities agreed upon how to handle these workers, and the strike was called off.

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 $224 (EC$599) per month. The Government effectively enforced minimum wages; workers in construction- related sectors and other high-demand sectors earned far higher wages.

The law provides for a 40-hour maximum workweek. 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 12.7 million. In 2003 national elections, generally considered by international observers to be free and fair, Oscar Berger of the Grand National Alliance coalition (GANA) won a four-year term, which began in January 2004. While the 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. The 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 investigation, or fair trials; failure to protect judicial sector officials, witnesses, and civil society organizations from intimidation; discrimination and violence against women; discrimination and violence against gay, transvestite, and transgender persons, trafficking in persons; ethnic discrimination; 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 authorities prevented adequate investigation of many such killings and other crimes, as well as the arrest and successful prosecution of perpetrators (see sections 1.c. and 1.e.).

During the year the National Civilian Police (PNC) Office of Professional Responsibility (ORP) reported that it had investigated 37 accusations of killings involving PNC personnel.

On March 27, police inspector Marvin Wilfredo Mendez Mayorga was arrested for the alleged extrajudicial killing of two youths in Villa Nueva, a suburb of Guatemala City.

On March 29, police agent Leonel Giovany Herrera Reyes was sentenced to 90 years in jail for sexually abusing one woman and sexually abusing and killing another woman.

On June 11, the Public Ministry Office for Crime reported to the press that 86 bodies found in the course of the year in Guatemala City had indications that the victims had been tortured before dying.

On June 17, five transvestites were shot, one of them fatally (see section 5). By year's end there was no information on any investigation. There were no developments regarding any investigation of the December 2005 killing of one transvestite and the wounding of another allegedly by persons dressed as police officers.

On June 20, four off-duty police officers in Escuintla were rescued from a mob attempting to lynch them after they allegedly killed Cristian Oswaldo Rodriguez Alvarez.

On July 7, Spanish Judge Santiago Pedraz issued an international arrest warrant for 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, torture, and illegal detention during the country's 1960–96 conflict. On November 7, the Supreme Court acted on the Spanish judicial request by ordering the arrest of all persons named in the Spanish warrant except Rios Montt. Subsequent court decisions excluded former heads of state Efrain Rios Montt and Oscar Humberto Mejia Victores from the warrant, although these decisions were under appeal at year's end. Another court decision suspended the arrest order against Pedro Garcia Arrendondo. By December Angel Anibal Guevara Rodriguez and German Chupina Barahona were in detention, receiving medical care. Guevara Rodriguez and Chupina Barahona were appealing their cases at year's end.

There were no new developments, and none were expected, regarding the 2004 confrontation between peasants and members of the PNC at Nueva Linda plantation, in which three police and seven workers were killed.

There were no new developments, and none were expected, concerning any investigation of the 2004 killing reportedly by police of former gang member David Ixcol Escobar.

There were no new developments, and none were expected, regarding the search for fugitive Colonel Juan Valencia Osorio, whose 25-year prison sentence for being the intellectual author of the 1990 killing of anthropologist Myrna Mack Chang was reinstated by the Supreme Court of Justice in 2004. At year's end Valencia had been at large for almost three years.

The Government reported that during the year the National Reparations Program disbursed approximately $16 million (120 million quetzales) to families of victims of the 1960–96 armed conflict.

At year's end the case of the 1982 military massacre of 250 civilians at Dos Erres, Peten, remained stalled in court due to appeals made by defendants.

During the year two justice sector workers were killed (see section 1.e.).

By December the police had completed an investigation of the September 2005 killing of Casa Alianza's legal advisor Harold Perez Gallardo by unknown gunmen and were transferring the report to the Public Ministry for legal action.

Societal violence occurred widely throughout the country. Nonstate actors with links to organized crime, gangs, private security companies, and alleged "clandestine groups" committed hundreds of killings and other crimes. Human rights activists alleged that these persons also were responsible for threats, assaults, burglaries, and thefts targeted at human rights organizations. Reports also suggested that former or current members of the police condoned or were involved in some of the attacks and other abuses.

Killings, including evidence of sexual assault, torture, and mutilation, of women continued to increase, as did the overall number of killings of men and women. Although during the year there was only a slight increase in the percentage of women killed as a percentage of total killings in 2005, the actual number of women killed by year's end was substantially higher than in 2005 (see section 5).

Killings of children, particularly in Guatemala City, increased during the year (see section 5).

The human rights nongovernmental organization (NGO) Mutual Support Group reported that 59 attempted lynchings took place during the year, compared with 14 such incidents in 2005. Many observers attributed the rise in lynchings from the previous year to increased public frustration with the failure of the justice sector 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 other incidents of societal violence. On June 11, the NGO Association of Urban Transportation reported that from January to May there had been 30,200 assaults in public buses, an average of 200 assaults per day involving bus passengers and drivers.

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 December, there were 10 complaints of kidnapping by PNC personnel. The office determined that three cases had merit, with the identity of the offenders established in two of the cases. The officers identified in the two cases faced disciplinary action at year's end. On June 29, the First Appeals Court overturned the October 2005 kidnapping convictions of, and ordered 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 at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and the law prohibit such practices, during the year 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 targeted during extortion schemes.

On January 30, police arrested seven men accused of membership in the People's Avengers (previously known as the People's Social Cleansing Group), a group of vigilantes in San Lucas Toliman, Solola. Local residents accused the group of extortion and beatings in the Solola area.

A human rights NGO reported the alleged May 22 beatings of three homeless children by soldiers assigned to the Military Police Brigade. A military investigation was not able to substantiate the charges, and at year's end the Public Ministry was investigating the case (see section 5).

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 drug-related, was widespread. Prison officials reported frequent escape attempts and other manifestations of prisoner unrest.

Prison overcrowding was a problem. According to the registry maintained by the prison system, at the end of the year there were 7,477 persons held in 40 prisons and jails designed to hold 6,974. Approximately 44 percent of the national penitentiary system population was held in pretrial detention. The media and NGOs reported physical and sexual abuse of women and juvenile inmates as a serious problem in detention cells at police precincts. Many of the abused juvenile inmates were suspected gang members.

There were no new developments regarding any investigation of the identities of persons who smuggled weapons into the prisons or of the August 2005 simultaneous incidents involving violence in four prisons that claimed 36 lives.

On June 22, in an outbreak of violence between rival gang member inmates at the San Jose Pinula Juvenile Detention Center, four juvenile inmates were killed and five others were injured. The Office of the Human Rights Ombudsman (PDH) alleged the prison guards were involved in the killings.

There were no developments regarding any investigation of a December 2005 intragang dispute in a prison in Mazatenango resulting in the killing of one gang member inmate.

On September 25, 3,000 members of the security forces, including police, military, and prison guards, recovered control of El Pavon prison farm from inmates who had been operating organized crime activities throughout the Guatemala City area from within the prison. There was minimal violence. Seven inmates were reportedly killed in acts of armed resistance against the Government takeover. Some prisoners alleged that the dead inmates were the victims of extrajudicial killings that occurred after the prison was occupied by security forces. The PDH supported this claim and

reported that security forces had committed extrajudicial killings in the immediate aftermath of the recovery effort. By year's end the Public Ministry had announced that it was investigating these accusations. The approximately 1,650 remaining prisoners at El Pavon were moved temporarily to nearby prison facilities while the authorities rebuilt El Pavon. By December prison authorities had reportedly returned approximately 495 prisoners to El Pavon.

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 receive the case within the legally mandated timeframe of six hours.

Role of the Police and Security Apparatus.—The 18,000-member PNC, headed by a director appointed by the President, remained understaffed, poorly trained, and severely underfunded. As of December the PNC reported 118 deaths of PNC personnel during the year, with 60 of these deaths due to firearms and two due to lynching.

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 impunity remained a serious problem. When ORP investigations failed to elicit successful administrative or judicial punishment, the PNC often transferred suspected officers to different parts of the country. Attempts to curb impunity included placing 157 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 rates of violent crime. Joint police and military operations under operational control of the PNC continued in areas of Guatemala City with the highest crime rates, as well as in other regions of the country. Under Presidential instructions, in March and April the military trained and equipped approximately 3,000 military reservists and former soldiers to form the Special Corps for Citizen Security, which military commanders deployed in Guatemala City and several other areas of the country to undertake joint patrols with police units.

On June 30, PDH and 16 civil society organizations requested that President Berger end combined patrols between army and police units due to concerns about the potential for abuses. During the year there were no credible reports of abuses conducted by the joint patrols, which continued to operate.

Police threatened persons engaged in prostitution and other commercial sexual activities with false drug charges to extort money or sexual favors and harassed homosexuals or transvestites with similar threats of false charges (see section 5). Critics accused the police of indiscriminate and illegal detentions when conducting antigang operations in specific high-crime neighborhoods. Suspected gang members allegedly were arrested and imprisoned without charges or on the basis of false drug charges, and in some instances were arrested without a warrant and not during the commission of a crime.

On June 29, the security reform NGO Instance of Monitoring and Support for Public Security reported personnel and technical resource deficiencies in police internal investigation processes.

The ORP undertook internal investigations of misconduct by police officers. Although the ORP increased its professionalism, its independence and effectiveness were hampered by a lack of material resources and the absence of cooperation from other PNC units. The ORP reported that at year's end it had received 1,571 complaints, which included: 37 killings, 36 forced disappearances, 10 kidnappings, 51 illegal detentions, 260 thefts, 16 rapes, 124 instances of bribery, 80 threats, 274 cases of abuse of authority, and 51 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. Throughout the year ORP investigations resulted in the removal from duty of 157 police officers and exoneration of 175 officers.

Immigration and police officials often subjected persons attempting to enter the country illegally to extortion and mistreatment. Many civil society and media observers believed this mistreatment was underreported.

During the year the PNC trained 954 cadets in courses that included human rights and professional ethics. The army developed a manual for human rights training, and the military continued to incorporate human rights training into its curriculum and developed relevant courses with the PDH. Civil affairs officers at each command were required to plan and document human rights training provided to soldiers, and the officers met this requirement during the year.

Approximately two-thirds of the police districts remained understaffed. Indigenous rights advocates asserted that police authorities' continuing lack of sensitivity to indigenous cultural norms and practices engendered misunderstandings in dealing with indigenous groups and that few indigenous police officers worked in their own ethnic-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 six 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 three 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 December the ORP had received 46 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.

On March 17, the Government began a pilot project of a 24-hour court in the basement of the Supreme Court of Justice building in Guatemala City, staffed with police, prosecutors, public defenders, and judges. In the jurisdictional area of the 24-hour court, the pilot project significantly reduced the number of cases dismissed by judges for lack of evidence and increased the Government's ability to comply with legal requirements to bring suspects before a judge within six hours of the start of detention.

Although the law sets a limit of three months for pretrial detention, prisoners often were detained past their legal trial or release dates, sometimes for years. During the year approximately 44 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 to other bureaucratic problems. On April 18, Carlos Bermudez Lopez was released from jail nine months after a court had ordered his release in July 2005. 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 are offered bail but are unable to pay, or choose not to pay, 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. Many high-profile criminal cases remained pending in the courts for long periods as defense attorneys employed successive appeals and motions.

During the year 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 justice sector workers received 71 cases of threats or aggression against judges, compared with 79 in 2005. During the year two judicial sector workers were killed by unknown assailants.

There were no developments regarding the investigations of the March 2005 killing of Justice of the Peace Jose Antonio Cruz Hernandez by unknown assailants or of the April 2005 killing of High Impact Court Judge Jose Victor Bautista Orozco. There were credible reports of killings of witnesses. Less than 3 percent of reported crimes were prosecuted, and significantly fewer received convictions.

On May 2, a judge sentenced Julio Cesar Roque Villela and Jose Romilio Moscoso Lemus to 300 years in prison for the 2002 killing of six persons in Xororagua, Chiquimula. Two other persons, Kenneth Vanegas and Fredy Osorio, were released from police custody for lack of evidence. During the prosecution of the case in February, witnesses disappeared, were killed, or refused to present testimony for fear of losing their lives. Two relatives of the victims refused to testify against Vanegas in court after previously identifying him in written statements.

On May 11, Judge Maria Ester Roldan stated that she had received threats from a police lawyer for ordering the transfer of the recently discovered historical police archive to the custody of the PDH. By year's end the case had been transferred to the Public Ministry for review.

There were no developments, and none were expected, regarding the 2004 killing of Jesus Mendoza, cousin of Bamaca case witness Otoniel de la Roca Mendoza.

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. During the year the Judicial Discipline Unit investigated and held hearings for 266 complaints of wrongdoing, including 94 for judges, 95 for justices of the peace, 105 for judicial auxiliaries, and 12 for administrative personnel. 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 differentiate between the responsibilities of the PNC and the Public Ministry regarding 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 December, the Public Ministry had approximately 139 persons in its witness protection program. In November 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 requires language interpretation for those needing it, in particular the large number of indigenous persons who were not fluent in Spanish (see section 5). 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 coplaintiffs. Lengthy investigations and frequent procedural motions used by both defense and prosecution often led to excessively long pretrial detention (see section 1.d.), 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.

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.

On May 30, police raided a residence of Gustavo Adolfo Herrera, a fugitive from justice in an embezzlement case, and although Herrera avoided capture, his family accused the police of kidnapping Herrera's son and briefly detaining his grandson to compel Herrera's surrender.

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.

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.

On February 1, the Constitutional Court declared void three articles of the Penal Code that criminalized disrespect for public officers, holding that these articles violated freedom of expression guaranteed in the constitution.

On March 28, Juan Carlos Aquino, a reporter for Radio Novedad, alleged that he received death threats for his news coverage of an exhumation in Zacapa of victims of the 1960–96 internal armed conflict.

On March 21, the NGO Reporters Without Borders reported that the Office of the Special Prosecutor for Crimes against Journalists and Unionists, with the support of the Telecommunications Authority and the National Broadcast Commission, closed nine community radio stations for failing to have a broadcasting license and usurping airwaves belonging to others. Critics asserted that the Government's action represented discrimination against indigenous groups that largely operated the unlicensed radio stations.

On August 23, radio journalist Vinicio Aguila was shot and wounded while he was jogging in Mixco. Preliminary investigations could not determine a motive for the shooting, but robbery was ruled out. The two assailants fled immediately after firing a single shot.

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 members of the media were targets of threats and intimidation from unidentified persons. The Public Ministry reported 67 incidents of intimidation against journalists, compared with 26 during 2005.

Reporters Without Borders reported that in July 2005 former members of the civil defense patrols assaulted Prensa Libre correspondent Edwin Paxtor with machetes while he filmed a demonstration in Chiquimula Department. Paxtor also claimed to have received anonymous death threats on September 23. The threats were reported to the PDH.

By year's end one of the defendants, who was convicted and sentenced to 16 years in prison in February 2005 in conection with the 2003 home invasion of Jose Ruben Zamora, publisher of El Peridico, had appealed the conviction but remained in custody. The other defendant was acquitted. Zamora filed an appeal challenging the acquittal.

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 could engage in the peaceful expression of views via the Internet, including by electronic 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 or inaction by the police during violent demonstrations.

Although between September 25 and 29, the Government restricted freedom of assembly in Fraijanes municipality in connection with the takeover of El Pavon prison (see sections 1.c and 2.d.); this restriction was not enforced.

Between August 29 and September 12, the Government declared and enforced a state of exception that restricted freedom of assembly during a counternarcotics operation in five municipalities in San Marcos Department. The state of exception was imposed to forestall armed opposition to poppy eradication and related operations.

There were no new developments, and none were expected, regarding the investigation of the January 2005 death of a protester in Solola. By year's end the authorities had not released a report on the investigation of the March 2005 killing of 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 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 congregations, nonreligious associations, and NGOs to register as legal entities in order to transact business.

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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution and the law provide for these rights, and the Government generally respected them in practice.

On September 25, the Government declared a state of exception in the Fraijanes Municipality around El Pavon prison to support the security authorities' reassertion of control of that facility (see sections 1.c and 2.b.). The declaration restricted freedom of movement and assembly and arms possession within the boundaries of the municipality as a public security measure but was not enforced. Between August 29 and September 12, the Government enforced restrictions on freedom of movement during a declared state of exception in five municipalities in San Marcos Department (see section 2.b.).

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 UN 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 they feared persecution. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations.

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

The constitution and the 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 for those 18 years of age and older. Members of the armed forces and police are not permitted to vote.

Elections and Political Participation.—In the 2003 national elections, Oscar Berger of the GANA coalition won a four-year term as President with approximately 54 percent of the vote in the second round. Despite some irregularities in the electoral registry, the Organization of American States' international observation mission categorized 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, and one woman on the Constitutional Court. There were 197 women serving as judges. There was one female minister in the cabinet and seven female Presidential secretaries. Of the country's 331 mayors, nine were women. There was one indigenous member in the cabinet, and two Presidential secretaries were indigenous. There were 15 indigenous members of the Congress of the Republic. Of the 331 mayors, 120 were indigenous.

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. 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.

On December 13, Jorge Mario Nufio, a former board member of the Social Security Institute, arrested on embezzlement charges, was sentenced to 13 years in prison. By year's end Nufio's lawyer had announced that he would appeal the sentence.

On October 26, Manuel Abundio Maldonado, former director of the General Directorate of Civil Aviation, was sentenced to two years in prison, or payment of $7,200 (54,000 quetzales), for abuse of authority in connection with a 2003 diversion of $160,000 (1.2 million quetzales) from civil aviation funds through payments to nonexisting workers. Three other former civil aviation employees, including the finance director, were sentenced to prison terms or ordered to pay fines.

There were no new developments regarding the appeal of the acquittal of former Social Security Institute head Carlos Wohlers who had been charged with corruption and abuse of authority or of the appeal of the conviction for material falsification in transferring funds of former minister of finance Eduardo Weymann.

There were no new developments regarding the whereabouts of former director of the National Transit Authority, Arnoldo Heriberto Quezada Chapeton, who remained at large after failing to appear at a September 2005 hearing on charges of corruption.

Judicial authorities continued to restrict the movements of former defense ministers Eduardo Arevalo Lacs and Alvaro Lionel Mendez Estrada, who remained

under investigation for corruption in relation to alleged embezzlement of $121 million (906 million quetzales) of Ministry of Defense funds between 2001 and 2003.

In May police discovered stolen gasoline trucks at a gas station owned by Congressman Hector Loaiza Gramajo. Based on subsequent investigations, the Public Ministry charged Loaiza with fraud, tax evasion, and other crimes. At year's end the Supreme Court of Justice was reviewing government evidence seeking to strip Loaiza of his parliamentary immunity.

At year's end former director of the tax administration body Marco Tulio Abadio, who had been in prison since 2004, was still awaiting trial for embezzlement of tax administration funds.

Although the constitution provides for the right of citizens to access public information, there are no laws regulating provision 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 Attitude 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 somewhat cooperative and responsive to their views, including civil society advocacy for the election of members to the Constitutional Court and the negotiation of the International Commission Against Impunity in Guatemala (CICIG). Many NGOs and human rights workers and a number of trade unionists (see section 6.a.) reported threats or intimidation by unidentified persons and complained that the Government did little to investigate these reports or to prevent further incidents. Only a small number of these cases were officially reported to authorities.

The resident Office of the UN High Commissioner for Human Rights assisted the Government in investigating various issues, including land use conflicts, and discrimination against indigenous persons.

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 ongoing security protection. Staff members of FAFG continued to receive death threats throughout the year.

During the year the Office of the Special Prosecutor for Human Rights opened several new cases on matters involving anonymous telephoned or written threats, break-ins, 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.

Substantial threats were made against the lives and safety of persons involved in the exhumation of often secret burial sites containing the bodies of victims of the 36-year internal armed conflict that concluded with the signing of peace accords in 1996. Forensics groups used the information obtained from the exhumations to verify eyewitness reports of massacres during the conflict.

In June UN High Commissioner for Human Rights Louise Arbour and in September UN Rapporteur for Extrajudicial Executions Philip Alston visited the country. In July the Inter-American Commission on Human Rights (IACHR) held a special session in the country to analyze petitions, cases, precautionary measures, and thematic and general reports on human rights and also met with representatives of the Government and civil society.

Human Rights Ombudsman Sergio Morales, elected by the Congress of the Republic, reports to the Congress of the Republic and monitors the rights recognized under the constitution. The PDH'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 PDH issued reports and recommendations that were made public, including its annual report on the fulfillment of the PHD's mandate to the Congress of the Republic. During the year the PDH also issued reports on femicide in Central America, the death of Claudia Isabel Madrid, July 18 disturbances at a juvenile detention center, and the discovery of the National Police Archives. There were no developments, and none were expected, in the investigation to identify individuals who made threats in 2004 against PDH field staff.

The President's Commission on Human Rights (COPREDEH), directed by human rights leader Frank La Rue, is charged with formulating and promoting the Government's human rights policy, representing the Government for past human rights abuse cases before the Inter-American Court of Human Rights, and negotiating ami-

cable settlements in those cases before the IACHR. COPREDEH took a leading role in coordinating police protection for various human rights and labor activists throughout the year and in consultations for redrafting the provisions of the CICIG.

The Congressional Committee on Human Rights also 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 valuable.

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 resource allocations, corruption, and a dysfunctional judicial system (see sections 1.c. and 1.e.).

Women.—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 the charging of 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, police protection for victims, and 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 noted that few officers were trained to deal with domestic violence or provide victims' assistance.

The Program for Prevention and Eradication of Intrafamily Violence, a government program under the Presidential Spouse's Secretariat of Social Work, reported receiving approximately four calls a day via its emergency hot line from battered women and children. The Public Ministry reportedly received more than 9,657 complaints of family violence against women and children through December. During the year the Public Ministry achieved convictions in 79 of the 3,547 cases it opened during the year.

Justices of the peace issued an unspecified number of orders of restraint against domestic violence aggressors and police protection for victims. Full investigation and prosecution of domestic violence and rape cases usually took an average of one year, and prosecutors noted that half of the victims of domestic violence who filed complaints failed to pursue their cases after their initial visit to the Public Ministry. The Public Ministry handled 6,281 cases against perpetrators of domestic violence, but there was no information on the number of prosecutions or convictions. Although the law affords victims of domestic violence with protection, such as shelter, during the period of investigation, in practice there were insufficient facilities for this purpose.

The ombudsman for indigenous women, an office of 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. The office handled 1,425 cases between January and September, including labor conflicts and domestic violence.

Sexual offenses remained a serious problem. The law criminalized rape, including spousal rape and aggravated rape, and establishes penalties between six 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 past four years, although some observers suggested that the increases might reflect improved record-keeping of crime statistics. Until 2004 the law provided that a rapist could escape charges by marrying the victim. Although the law no longer allows for this, judicial processes that were entered into before the law changed are judged according to the old law. During the year there were cases in which this occurred.

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, but none of these units were effective in reducing sexual violence. The PNC in Guatemala Department reported opening 342 cases against sexual offenders and making 64 arrests relating to sexual violence. The Public Ministry did not provide data on the number of convictions in cases of rape and sexual abuse of women and minors. The UN 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 December the prosecutor's office reported receiving 581 cases of rape and sexual assault in Guatemala City. Of these, 74 cases went to trial

resulting in 63 convictions with an average sentence of six to 20 years' imprisonment, 21 persons were absolved, and 25 cases were settled out of court.

The PNC reported that by year's end there were 603 killings of women, constituting approximately 10 percent of the total number of 5,885 killings reported during that period, compared with approximately 10 percent (552 women out of 5,747 total killings) during 2005, and approximately 11 percent (509 women out of 4,519 total killings) during 2004. Although the PNC attributed gang violence, narcotics trafficking, and domestic abuse as the probable causes for many of the killings, authorities were unable to identify the perpetrator or motives for over half of the killings. Through December female victims represented 21.5 percent (75 of 349) of the reported killings by strangulation. A study during the year by the NGO Grupo Guatemalteco de Mujeres reported that 11 percent of killings of women in the country could be identified as targeted killings based on gender. The overall number of killings of both men and women continued to rise, as did the rate of victims of killings per 100,000 persons.

Due to weaknesses throughout the judicial and law enforcement systems, including inadequate governmental allocation of resources to criminal investigation authorities, government investigations of killings of women and of homicides generally were extremely ineffective, resulting in the erosion of public confidence in these governmental institutions and in the ability of the Government to resolve crimes and protect citizens.

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 (see section 5, Trafficking).

Sexual harassment is not specified as a crime in the penal code, and during the year there were no accurate estimates of the incidence of sexual harassment. 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 assembly sector. While the law establishes the principle of gender equality, in practice women faced job discrimination and were less likely to hold management positions. The 2002 National Study on Income and Spending, the most recent available, showed that indigenous women earned 58 percent of what indigenous men earned and that nonindigenous women earned 71 percent of what nonindigenous men earned. 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 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.

Children.—The Government devoted insufficient resources to ensure adequate educational and health services for children.

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 received a primary education. The UN Development Program's 2003 Human Development Report, the most recent available, estimated that 40 percent of children who entered primary school finished their third year and 30 percent were promoted beyond sixth grade. Completion rates were lower in rural and indigenous areas. According to the Population Council's annual report, the average education 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.

Boys and girls had equal access to medical care. UNICEF statistics reported that 67 percent of indigenous children suffered from chronic malnutrition.

Child abuse remained a serious problem. The Public Ministry did not provide a figure on the number of cases of child abuse during the year. 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 other youths who had criminal records. Due to an overwhelmed public welfare system, family courts during the year referred 329 minors to Casa Alianza, an NGO focusing on issues regarding street children. The Special Prosecutor's Office for Women included a unit that investigated only child abuse cases.

Child prostitution was a problem (see section 5, Trafficking and section 6.c.).

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 (see section 6.d.).

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 a gang, street children often lived with fellow gang members and no longer slept on the streets. Casa Alianza reported that by year's end approximately 377 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 (see section 1.d.).

The Government closed its two shelters in Guatemala City and moved their functions to a shelter for girls in Antigua and a shelter in San Jose Pinula for boys. Two other shelters in Quetzaltenango and Zacapa served both boys and girls.

The Government devoted insufficient funds to its shelters, and governmental 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. Juvenile offenders were incarcerated 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 mandates jail time for traffickers. The Government acknowledged that trafficking was a significant and growing problem in the country.

The Public Ministry operated the Office of Special Prosecutor for Crimes against Women, Children, and Victims of Trafficking. During the year 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 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 country was a source, transit, and destination country for women and children trafficked for purposes of sexual exploitation and child labor. One 2004 NGO report, which contained the most recent data available, identified 600 to 700 minors who were victims of trafficking in centers of prostitution across the country. There were no reliable estimates of forced labor trafficking, mainly involving children used in begging rings in Guatemala City.

Trafficking was particularly a problem in the capital and in towns along the borders with Mexico and El Salvador. 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 population for sexual exploitation was minor boys and girls or young women from poor families. 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.

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.

There were credible reports that police and immigration service agents were complicit in trafficking of persons. In a 2002 study by the NGO End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes, some minor victims of trafficking reported 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 migration officials to have sex with minor victims without charge. There were no further developments, and none were expected, regarding the investigation of former PNC official Rudy Giron Lima's ownership of three bars where underage persons were engaged in prostitution. During the year Giron Lima remained in prison under a 63-year sentence for an unrelated kidnapping conviction.

The Secretariat for Social Welfare, a government institution, operated shelters in Antigua, San Jose Pinula, Quetzaltenango and Zacapa that housed victims of trafficking and offered social casework, job training, and counseling.

Immigration officials generally deported foreign adult trafficking victims but 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.

During the year 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 released minor trafficking victims rescued in bar raids primarily to the custody of 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.

Persons With Disabilities.—The constitution and the law contain 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, such as equal hiring opportunities. In many cases persons with physical and mental disabilities did not enjoy these rights, and the Government devoted few resources to combat this problem. A 2004 report by the International Disability Rights Monitor, the most recent available, noted that the Government discriminated against persons with disabilities by not providing adequate protection.

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 the council's recommendations.

Indigenous People.—Indigenous people from approximately 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 people and obliges the Government to recognize, respect, and promote their lifestyles, customs, traditions, social organization, and manner of dress. Although some indigenous people 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, and pervasive discrimination.

In a session during the year, the UN Committee on the Elimination of Racial Discrimination (CERD) reported its deep concern at the extent to which racism and racial discrimination against the Maya, Xinca, and Garifuna communities was entrenched in the country, and at the inadequacy of public policies to eliminate racial discrimination. The CERD recommended that the Government adopt specific legislation to punish 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 CERD also stated that it was concerned about the low level of political participation among indigenous people, problems expressed by indigenous people in gaining access to the justice system, the lack of access by indigenous people to land, the lack of respect shown for their traditional lands, and difficulties surrounding restitution of lands to indigenous people displaced by armed conflict or economic development. The committee recommended that the Government take steps to return lands and territories traditionally owned by indigenous persons and to adopt a national land bill so that indigenous communities could be identified and demarcated.

A 2004 World Bank study, the most recent available, found that 76 percent of the indigenous population lived in poverty, compared with 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 (see section 5, Women, and Children). According to a 2005 report of the Ministry of Education, the most recent available, 309,764 preschool and kindergarten aged indige-

nous children were enrolled in bilingual education programs. The Government devoted less than 10 percent of the total budget to bilingual education.

The Department of Indigenous People in the Ministry of Labor, tasked with investigating cases of discrimination, representing indigenous rights, and promoting implementation of ILO Convention 169 on the rights of indigenous people, counseled indigenous persons on their rights. This department had no separate budget, only four employees, and lacked resources to investigate any discrimination claims.

Legally mandated court interpreters for criminal proceedings were rarely available, placing indigenous people arrested for crimes at a disadvantage due to their limited comprehension of Spanish (see section 1.e.). There were 63 judges who spoke Mayan languages among the 561 tribunals in the country. There were 62 court interpreters, and the Supreme Court of Justice reported that the judicial system had 689 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. These groups also complained that police at times raped lesbians and transvestites, but that 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.

On June 17, five transvestites were shot in Guatemala City, one of them fatally. A human rights group claimed that the victims were attacked because of their sexual preferences. By year's end police authorities had investigated the attack but had not identified any suspects. A December 2005 incident involving the killing of one transvestite person and the injuring of another remained under investigation. Members of the gay rights group OASIS asserted that the perpetrators were wearing police uniforms (see section 1.d.).

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. With the exception of members of the security forces, all workers have the right to form or join unions, but less than 3 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. In its annual report, the ILO Committee of Experts (COE) recalled that for many years it had been commenting on this requirement as among "restrictions on the formation of organizations in full freedom." Labor rights activists considered this number to be a nearly insurmountable barrier to the formation of new industry wide unions.

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. There were no new developments, and none were expected, regarding the status of a 2004 case involving 20 workers dismissed by the Secretariat for Social Welfare while trying to form a public sector union, despite a court order calling for their reinstatement.

Some workers who suffered illegal dismissal took their cases to the labor courts and won 6,037 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 appeals, did not operate in a timely manner, or ensure enforcement of their decisions. According to labor ministry officials, employers rarely were disciplined for ignoring legally binding court orders.

The COE noted problems with failure to comply with court orders to reinstate dismissed trade union members, tardiness of the procedures to impose penalties for breaches of labor legislation, and numerous antiunion dismissals.

Labor leaders reported receiving death threats and other acts of intimidation. A three-prosecutor Office of the Special Prosecutor for Crimes Against Unionists and Journalists accepted 30 new union-related cases during the year (see section 4). During the year prosecutors secured no convictions for crimes against trade unionists and often claimed that they had minimal evidence to prosecute such cases. In its annual report the COE expressed "deep concern at the acts of violence against trade union leaders and members," emphasized that "trade union rights can only be exercised in a climate that is free of violence," and requested government information on how the Government would protect trade unionists.

During the year the Ministry of Labor granted legal status to 53 new labor unions. Although there were 1,769 legally registered labor unions, fewer than 415 appeared to be active based on administrative register records.

An active solidarismo (solidarity association) movement claimed to have approximately 170,000 members. Its advocates claimed that these associations operated in an estimated 400 companies. Unions may operate legally in workplaces that have solidarity associations, and workers have the right to choose between them or to belong to both. The Government characterized these associations as civic organizations that need not interfere with the functioning of trade unions. Although the law stipulates that trade unions have an exclusive right to negotiate work conditions on behalf of workers, unions charged that management promoted solidarity associations to avoid the formation of trade unions or to compete with existing labor unions. Representatives of most organized labor groups criticized these associations for their inability to strike, having inadequate grievance procedures, and for displacing genuine, independent trade unions with an employer-dominated structure.

b. The Right To Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government generally strove 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 its annual report, the COE identified "violation of collective agreements" in the country as a restriction on the exercise of trade union rights in practice.

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.

According to the Ministry of Labor, there were 17 collective bargaining agreements, covering an estimated 15,000 unionized and non-unionized workers, primarily in the public sector.

Workers have the right to strike, but due to the very low level of unionization and procedural hurdles, there were only two legal strikes by year's end. 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 conducting themselves 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," an authority that the Government did not use during the year.

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 to 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.

Labor laws and regulations apply throughout the country, including in the 12 active export processing zones (EPZs) and within the maquiladoras, which operated under an EPZ-like regime, although they were not located in distinctly established areas. By end of year the number of workers in the maquiladora sector decreased to approximately 85,766 businesses due to competition from producers in Asian countries.

There were no special laws or exemptions from regular labor laws in the EPZs. Due to worker mistrust of employers and union organizers, unions had minimal success in organizing workers in EPZs and in the maquiladora sector. There was one

collective bargaining agreement in the EPZ sector. Only five enterprises in the maquiladora sector had legally registered unions. Labor leaders and activists asserted that employer intimidation and pressure undermined organizing activities. Among the deficiencies in the exercise of trade union rights identified in the COE's annual report were "the need to promote trade union rights (particularly collective bargaining) in export processing zones."

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 (see section 5). There were reports that employers sometimes forced workers to work overtime, often without the premium pay mandated by law (see section 6.e.).

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 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 six hours, and for persons 14 to 17 years of age, seven 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.

Laws governing the employment of minors were not enforced effectively. The vast majority of child labor cases occurred in the informal sector. The situation was exacerbated by the weakness of the labor inspection and labor court systems, and because the law provides that parental consent alone is sufficient to permit a child to work.

The ILO's International Program on the Elimination of Child Labor (IPEC) continued to operate programs in the country to deal with commercial sexual exploitation of children, child labor in commercial agriculture, children working in garbage dumps, and child labor in quarries. During the year IPEC ended two child labor programs in Retalhuleu and San Marcos. The Ministry of Labor estimated that approximately 3,000 children were illegally employed in the very hazardous cottage-based fireworks production industry.

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 during the year 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 $6.95 (52.91 quetzales) per day for agricultural work and $7.12 (54.15 quetzales) for nonagricultural work.

The minimum wage did not provide a decent standard of living for a worker and family. The National Statistics Institute calculated that the minimum food budget for a family of four was $197.40 (1,502.28 quetzales) per month, significantly above the $208 (1,587.40 quetzales) per month that could be earned at the nonagricultural minimum wage rate. The institute's estimate of a family's total needs, including housing, clothing, utilities, and healthcare, was $360.23 (2,741.38 quetzales). 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 the National Center for Economic Investigations, approximately 75 percent of the workforce operated in the informal sector and therefore outside of the 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 sometimes forced workers to work overtime without legally mandated premium pay. 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. During the year the labor courts received 7,119 cases from the labor inspectorate and ruled in favor of reinstatement of the worker in 6,037 cases.

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. On August 28, citizens voted in generally free national elections to reelect the People's Progressive Party Civic (PPP/C) and President Bharrat Jagdeo. The civilian authorities generally maintained effective control of the security forces.

The most significant reported human rights abuses included unlawful killings by police, police abuse of suspects, poor prison and jail conditions, lengthy pretrial detention, and warrantless searches. Inequitable use of government-controlled media resources compromised media freedom during the campaign for the August elections. There was a widespread perception of government corruption. Sexual abuse and domestic violence against women and children and discrimination against indigenous persons were pervasive; trafficking in persons remained a problem.

The August elections were the country's first nonviolent elections in nearly two decades.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—While there was no evidence that the Government or its agents committed any politically motivated killings, the nongovernmental organization (NGO) Guyana Human Rights Association (GHRA) and the media asserted that police continued to commit unlawful killings. The Police Complaints Authority (PCA) received complaints of seven unlawful killings during the year. In most cases the police shot the victims while attempting to make an arrest or while a crime was being committed. Police seldom were prosecuted for unlawful killings. The constitution broadly defines justifiable use of lethal force.

On February 8, police fatally shot Bemaul Harrinarine. According to press reports, police officers shot Harrinarine at his residence while attempting to arrest him on robbery charges. Police reported that Harrinarine threatened officers with a machete. According to Harrinarine's family members, however, police shot him three times immediately after he opened the door to them and then retrieved a machete from the house to corroborate their story.

On April 9, minibus driver Orin Adams died after being taken to the Brickdam police station for a traffic offense. According to press reports, two officers hit Adams before taking him to the station. Adams was pronounced dead on arrival at Georgetown Public Hospital; a postmortem showed that he died as a result of a blow to the back of the neck. Authorities arrested two policemen in connection with the death. In May policeman Mohanlall Persaud was charged with manslaughter in the case and released on bail. His case remained pending at year's end.

On September 8, police fatally shot Kelvin Nero. The police maintained that Nero was wanted for murder and fled when ordered to surrender. Nero's relatives claimed that no warrant had been issued for his arrest. An eyewitness said that Nero was

unarmed at the time of the shooting and reported that after Nero had been shot in the leg, an officer kicked him and ordered him to get up before dragging him to a police vehicle. He died while being taken to the hospital.

On October 26, police shot and killed James Bennet. According to press reports, police fired warning shots before pursuing Bennet and several other persons suspected of dealing in cocaine. Eyewitnesses reported that a police officer shot Bennet as he was running away and then shot again after he fell down incapacitated. According to the police, the second shot was accidentally discharged when the pursuing officer also fell to the ground. Bennet died before receiving medical attention.

There were no developments in the allegations of police killings in previous years, including the 2005 cases of Simeon Hope, Eon Forrester, Dwight McKenzie, Eon Alleyn, and Carl Abrams.

On April 22, masked gunmen armed with AK–47s forced their way into Minister of Agriculture Satyadeow Sawh's home and killed him, along with two relatives and a security guard. While the gunmen also stole some cash and jewelry, authorities did not believe that robbery was the motivation for the attack. In several instances during the following months, men wanted for questioning in relation to the Sawh killing were shot and killed by police during pursuit or arrest. The case remained open 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.—Although the law prohibits torture, and there were no reports of its use, allegations of police abuse of suspects continued. As of October the PCA received 47 complaints of unlawful arrest and by year's end had received 22 complaints of unnecessary use of violence.

According to the GHRA, high levels of violent crime and pressure on the Guyana Police Force (GPF) to deliver results contributed to an upsurge in police misconduct.

In September masked men, some wearing camouflage gear, allegedly forced Buxton residents Troy Freeman, Wendrick Providence, and Kester October into vehicles; the men claimed that they were held for three days in a room, interrogated, and threatened with torture before being handed over to the police. Speaking with the independent Stabroek News in October, Acting Police Commissioner Henry Greene did not confirm or deny police involvement; however, he stated that as a security tactic, police could wear masks while carrying out certain arrests.

In the May 2005 case of alleged sexual abuse by staff members of a former female inmate at the New Opportunity Corps (NOC), a correctional facility for juvenile delinquents, the trial of three former employees was underway.

Prison and Detention Center Conditions.—Prison and jail conditions were poor, particularly in police holding cells. The GHRA stated that while the Prison Authority was committed to creating a humane and professional prison service, capacity and resource constraints were a problem. The Prison Authority reported that there were 1,724 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 900 during the year. Overcrowding was in large part due to backlogs of pretrial detainees. Despite efforts by the Prison Authority and the judiciary to reduce the numbers of pretrial detainees, the GHRA noted that the pretrial detainee population increased.

In August there was violent unrest at the Camp Street Prison. Prisoners climbed onto the roof and set fire to mattresses to protest substandard food, inadequate bedding materials, lack of access to sufficient water for bathing, and lengthy delays in their cases. Prison guards fired warning shots and sprayed teargas to break up the protest. Home Affairs Minister Gail Teixeira eventually brokered a deal with the prisoners allowing them to return to their cells, providing new mattresses, and promising better food.

In September the nongovernmental organization (NGO) Guyanese Women in Development helped a group of female pretrial detainees at the Berbice prison obtain an audience at the New Amsterdam Magistrate's Court to air their complaints about detention conditions. The women complained that, unlike male prisoners, they were forced to do heavy chores despite having medical conditions. The women said that their requests for medical attention had been denied and complained about substandard food. They reported that food items delivered by relatives were often taken away, forcing them to supplement their rations from an expensive prison-run food shop. Dale Erskine, director of prisons, sent a team to the prison to investigate and submit recommendations to the director.

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. The prison system faced staffing constraints and lack of resources.

However, attempts were made to give all prison officers human rights training, and the senior level management of the Prison Service made serious efforts to combat cruel, inhuman, or degrading treatment in the prisons. The GHRA 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. Cells rarely had sanitary facilities, and staff members sometimes escorted inmates outside the cells to use holes in the floor for toilets. Inmates generally slept on a thin pallet on the concrete floor. Ventilation and lighting were often inadequate. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, awaiting judicial system action on their cases.

On June 20, police found Sean Andrews dead in the Sparendaam Police Station lockup. Relatives had brought Andrews, who was mentally ill, to the police on June 18 after he became violent at home. Police stated that Andrews was placed in the lockup while the documents necessary for admitting him to hospital observation were obtained and that they suspected Andrews had hit his head against the lockup walls. The press reported that a postmortem examination revealed injuries suggesting Andrews may have been beaten.

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 originally was conceived as a training and rehabilitation facility rather than as a juvenile detention center. 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. According to the Director of Public Prosecutions (DPP), a separate, secure facility for juveniles who had committed more serious offenses was needed to correct this problem. The DPP also noted the need for better rehabilitation and education programs at the NOC. The NOC facility had multiple problems including staffing capacity, capabilities, and lack of effective security.

Since there were no facilities in Georgetown to house female offenders ages 16 and over, women awaiting trial were held in the same facilities as men. The Prison Authority reported that there were 60 female inmates in the women's prison located in New Amsterdam. The GHRA reported that the large number of female prisoners incarcerated on drug charges caused overcrowding in the facility. Due to inadequate facilities, juvenile female pretrial detainees were sometimes held together with adult female pretrial detainees.

In September the Prison Service launched a restructuring of the prisoner rehabilitation program to offer more skills training to inmates. According to the GHRA, rehabilitation 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 GPF, which is headed by the commissioner of police and overseen by the minister of home affairs, maintains internal security. The Guyana Defense Force (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 consists of approximately 2,500 troops and is headed by the chief of staff. The GDF 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 magistrate's courts, where specially trained police officers served as the prosecutors.

According to the GHRA, the PCA's effectiveness, especially in making field visits to outlying regions, steadily improved despite staff shortages. After the PCA receives and investigates a complaint, it sends a report and relevant statements to the chairman and a two-person panel for review. By law the police commissioner must comply with the PCA's recommendation on complaints. The PCA currently relies on the GPF to conduct investigations into complaints against its own officers.

According to the chairman, long delays in getting reports from the commissioner of police significantly hampered the complaints process.

The PCA received 257 written complaints during the year, of which seven involved police killings. The remaining 250 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 three recommendations of criminal charges and 31 recommendations of disciplinary action against police officers. At year's end 97 reports remained outstanding, and the other 160 complaints had been investigated and dealt with by the police force or rejected by the PCA.

The GPF includes a basic human rights course in its recruit-training program. In April the GHRA presented the GPF with a human rights training manual, Human Rights in Policing.

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, as well as access 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, despite the chief justice's efforts to have the courts deal more quickly with inmates on remand. Pretrial detainees made up approximately one-third of the prison population, and the average length of pretrial detention was four 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.—Although the law provides for an independent judiciary and the Government generally respected this provision in practice, some law enforcement officials, prominent lawyers, and others accused the Government of occasional judicial intervention. NGOs described a general perception that the executive influenced the judiciary and that corruption existed at the magistrate level.

Delays and inefficiencies in the judicial process undermined due process. Delays in judicial proceeding 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 14,000 cases.

While the courts made some attempt to deal with the backlog, including working overtime hours, encouraging the use of mediation on a voluntary basis, and opening a specialized Commercial Court on June 21, the backlog remained severe. Some judges did not deliver written decisions on completed cases in a timely manner, further adding to the backlog.

The court system is composed of several magistrate's courts, the High Court, and the Court of Appeals. There is also the right of final appeal to the Caribbean Court of Justice. The magistrate's courts deal with both criminal and civil matters. Specially trained police officers serve as prosecutors in lower magistrate's 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 and his or her deputy. The President, on the advice of the JSC, may temporarily appoint judges to sit in magistrate's courts and on the High Court. At year's end five of 14 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 magistrate's 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. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts had a limited effect.

The law recognizes the right to legal counsel; however, excepting 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, although supporters of Mark Benschop, a talk show host arrested on charges of treason in 2002, considered him to be a political detainee. In December 2005 Benschop sued the Attorney General over his continued incarceration without bail and the High Court's delay in hearing his case a second time. Benschop's mother and political supporters made several appeals to the local press urging that a near date be named for his retrial, which was pending at year's end.

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 magistrate's 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 waiting to be heard.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, authorities sometimes infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, 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. The Government generally respected these rights in practice; however, there were some exceptions. Inequitable use of government-controlled media resources was a problem, especially during the months leading up to the August 28 national elections.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely. The Government's daily newspaper, the Guyana Chronicle, which typically displayed a progovernment bias, covered a broad spectrum of political and nongovernmental groups.

In September authorities charged local television station owner Anthony Veira with contempt of court for airing a political commentary that the Government characterized as containing "statements and comments which tend to bring the authority and administration of the law in Guyana into disrepute and disregard and to scandalize the court." The case was pending at year's end.

Government limits on licensing and expansion sharply constrained the broadcast media. The Government owned and operated two radio stations broadcasting on several frequencies, which are the only media that reach the entire country. A third station, Radio Paiwomak, operated under the license of the government-operated National Communications Network as a community radio station with a limited broadcast area in the hinterland Rupununi region. Private interests and the political opposition continued to criticize the Government for its failure to approve longstanding requests for private radio frequency authorizations.

In August there were reports that an unlicensed radio station broadcast music and opposition political advertisements in Region Ten for three weeks leading up to the national elections. The head of the Presidential Secretariat called these illegal broadcasts a "threat to national security."

Equitable access to the state media remained a contentious issue between the Government and opposition parties and grew more heated during the run-up to the national elections. In the month before polling day, the government-run television and radio stations tripled the cost for political advertisements, effectively denying access to less well-funded opposition parties. After international observers intervened, the rates were reduced to match the fees charged during the 1997 campaign, still nearly double the regular advertising rates.

Two independent groups monitored the media during the election campaign. The Independent Media Monitoring Unit (MMU) monitored and rated the pre-election coverage of radio, television, and print, while the Independent Refereeing Panel assessed compliance with the Media Code of Conduct voluntarily signed by media outlets in January. Both groups noted numerous incidents of unbalanced or biased coverage, including unfair use of state-controlled media by the ruling party, such as

the airing of pro-party documentaries. The ruling party received 64 percent of positive political coverage on the state-owned National Communications Network television channel, with nine opposition parties sharing the remaining positive coverage. The MMU made several final recommendations in its report, including the passage of a Freedom of Information Act, better regulations for paid political advertisements, and the liberalization of radio licenses.

In August four pressroom workers were killed execution-style at the independent Kaieteur News. No evidence suggested that the murders were related to Kaieteur News' reporting.

There were no developments in the 2005 Guyflag prior restraint case against Stabroek News.

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 could engage in 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 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.

While the Government recognizes religious groups of all faiths, churches must register with the Government to be formally recognized. Foreign religious groups seeking to establish operations require permission from the Ministry of Home Affairs before commencing their activities.

Some GDF commanders required attendance at Christian religious services, and the GDF made no allowances for Hindu dietary preferences or Muslim observance of Friday as a holy day.

Under a March revision of the Amerindian Act, religious groups seeking access to Amerindian villages do not need special permission from the minister of Amerindian affairs, but like all travelers, do need to obtain permission from the local village council before entering village lands.

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 2006 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.

A revision of the Amerindian Act requires that the local village council grant permission for travel to Amerindian areas. Previously, governmental permission had been required. 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 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not established a system to protect refugees. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government did not grant refugee status or asylum.

The Government cooperated with the Office of the UN 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 elections based on universal suffrage. There is a multiparty political system based on proportional representation, and the party that wins the most votes for parliament wins the presidency. Rather than voting for individual candidates, voters endorse one party's list of candidates. After the election the party leadership determines which of the listed candidates will fill any seats it wins. The President appoints a cabinet and prime minister who, with the President, exercise executive power.

Elections and Political Participation.—On August 28, citizens voted in a generally free election to keep the PPP/C government in office. Incumbent Bharrat Jagdeo remained the PPP/C's Presidential candidate and was re-elected to a five-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.

However, ruling party use of government resources during the campaign disadvantaged opposition parties. According to reports by independent monitoring groups, the Government used its radio monopoly and control over state television stations to air coverage casting the Government and ruling party in a favorable light. Some opposition parties and politicians reported that their tax records had been singled out for scrutiny during the pre-election period.

In November the Alliance for Change (AFC) party filed an election petition claiming that incorrect counting of the votes in Region Ten had wrongly awarded a seat to the ruling PPP/C that should have gone to the AFC. The leader of the Justice for All Party also claimed that counting mistakes had cost his party a parliamentary seat. In late December the Electoral Assistance Bureau, a local observer group, released an audit of Region Ten results that supported the AFC's claim. Also in December, an Elections Commission official told accredited international election observers that the claims of both political parties had merit.

The composition and verification of the official list of electors was a source of controversy during the campaign. The constitution and laws do not clearly delineate who is entitled to vote, creating ground for confusion and disagreement. No complete, up-to-date compilation of electoral laws was publicly available.

Local government elections, due every three 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 any women for seats. There were 20 women in the 65-seat National Assembly. Five of 22 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. Over 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.—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.

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 Attitude 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.—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 widespread 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.

Domestic violence was a problem in all regions of the country. Enforcement of the domestic violence laws was especially weak in the interior, where police did not have as strong a presence and courts met only once a quarter.

Between January and September, Help and Shelter handled 414 abuse cases, including child, spousal, nonspousal, and other domestic abuse; 297 of the cases involved spousal abuse directed against women. Help and Shelter, which received private donor and some government funding, ran a free shelter for victims of domestic violence and operated a hot line to counsel victims.

NGOs ran public service announcements and trained police officers, teachers, nurses, agricultural workers, religious groups, and health clinics to sensitize them to domestic violence. Domestic violence training was part of the curriculum of the Police Training College. There is a Task Force on Violence against Women whose membership included representatives from NGOs, law enforcement, the health community, and youth. The Task Force gathered data in preparation for drafting a national policy on domestic violence.

Although rape and incest, including spousal rape, is illegal, it was a serious but infrequently reported or prosecuted problem. While increasing numbers of victims reported these crimes to the authorities, victims were socially stigmatized. 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 five to 10 years in prison.

By the end of September, the police reported 87 rape charges; however, the actual number was likely much higher because victims were reluctant to file charges or report cases. Statistics showed that in more than 70 percent of sexual assault cases, the victim was under the age of 18. According to a study released by the GHRA, there were only nine convictions from 647 rape reports for the period 2000–04. The study described "unreconstructed chauvinism" of the country's legal culture as a major obstacle in delivering justice for victims.

Lack of sensitivity for victims of sexual abuse and domestic violence and tolerance for perpetrators of abuse reached to all levels of society. In July Minister of Human Services and Social Security Bibi Shadick reacted to press reports of an alleged pornography ring blackmailing or drugging young girls and forcing them to appear in pornographic videos with the observation that based on her examination of two photographs of the incidents, the activities appeared to represent "consensual sexual activity." Several prominent figures in politics and society retained their status despite widely circulating rumors of their past histories of sexual abuses and domestic violence against women.

Prostitution is illegal but widespread. It received greater public attention due to the high incidence of HIV/AIDS among prostitutes and increased prevalence of trafficking in persons (see section 5, Trafficking).

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 according to the Office of the Director of Public Prosecutions, 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. The courts may overturn a husband's will if it does not provide for his wife, so long as she was dependent on him financially.

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.

Reports of physical and sexual abuse of children were common. Between January and September, Help and Shelter handled 75 cases of child abuse and an additional 24 cases of rape where 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, according to NGOs there were reports that some police officers and magistrates could be bribed to make cases of child abuse "go away." The Government did not further pursue cases in which the alleged victim or victim's family agreed to drop the case in exchange for a monetary payment out of court. The age of criminal responsibility is 10, although children usually were not prosecuted as adults, and offenders were sent to the NOC (see section 1.c.).

In October Minister of Human Services and Social Security Priya Manickchand launched the Child Protection Agency (CPA), partially funded by the UN Children's Fund (UNICEF). The CPA took over child protection functions from Probation and Family Welfare Services, whose social workers did not specialize primarily in child welfare issues. Child protection services outside of Georgetown were limited, but the Government endeavored to put social workers in every region.

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 (see section 5, Trafficking).

Trafficking in Persons.—The Combating of Trafficking in Persons Act prohibits all forms of trafficking in persons, but there were reports that persons were trafficked to, from, or within the country. Penalties include three 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. Trafficking reportedly took place in the interior, where there was little government oversight and law enforcement was lacking. Young Amerindian men were exploited under forced labor conditions in timber camps. Most trafficking originated in impoverished indigenous communities, although some victims came from the larger coastal cities. In some instances victims were forcibly abducted. 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. Reports indicated that trafficking victims were promised employment as highly paid domestic helpers, cooks, restaurant servers, and nude dancers. 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. There was no evidence that government officials or institutions participated in or condoned human trafficking. There were no reports of any cases of police corruption linked to human trafficking. Prosecution of human traffickers was more difficult in the interior, where infrequent court sessions prolonged cases.

In February shop owner Debbie Gaskin was charged with forcing a 13-year-old girl into prostitution and forced labor after bringing her to the North West District to work as a cleaner. In March Ann Smith was also charged in the case. Both cases were later dismissed.

In March five people were charged with forcing a runaway 12-year-old girl into sexual slavery. Michael Joseph, Tinelle Edwards, John Wills, Shemroy Marks, and Treon Rutherford allegedly paid to have sex with the girl, who was eventually taken to the police by relatives who discovered her whereabouts. At year's end cases against Wills, Edwards, and Joseph were pending.

In September Ramdai Narine was charged with harboring a 15-year-old girl "by means of a position of vulnerability for the purpose of exploitation." Narine pled not guilty and was released on bail.

The Government continued to make progress in its efforts to combat trafficking in persons, although there were no convictions under the Trafficking in Persons Act during the year. The country's slow judicial process contributed to the lack of progress in convicting traffickers. In January the Government released a review of its countertrafficking efforts from 2004–05 which acknowledged the need for improved policing and outreach efforts in rural communities. There is a National Plan of Action to combat human trafficking, and the deputy commissioner of police monitors enforcement.

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 that dealt with trafficking. The Government provided medical attention, housing, and funds to return victims to their home countries.

In June six police officers and two employees from the Anti-Trafficking in Persons Unit within the Ministry of Human Services and Social Security participated in a two-week trafficking-in-persons training program in the Bahamas organized by the International Organization for Migration.

Persons With Disabilities.—The constitution provides that "the state shall . . . 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. In March the National Commission on Disabilities (NCD) released the results of a survey of 1,500 persons with disabilities across four regions. Survey respondents reported facing significant obstacles in accessing employment, health care, education and training, and social outlets because of disability. Approximately 40 percent of respondents reported losing their employment as a result of incurring disabilities, and only 17 percent reported current employment. Of respondents under the age of 16, 42 percent reported never having attended school. A few independent organizations dealing with specific disabilities existed, such as a society for the visually impaired. The Open Door Center offered assistance and training to persons with disabilities and functioned throughout the year. In December a resource center equipped with specialty computers and other resources for the visually impaired and physically disabled opened at the NCD.

National/Racial/Ethnic/Minorities.—Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial grouping of many social and political organizations polarized society along ethnic lines, and discrimination and exclusion continued to occur. A few politicians and media personalities engaged in rhetorical and propaganda attacks that fueled racial tensions. The constitution charges the Ethnic Relations Commission (ERC) with investigating complaints of ethnic discrimination. The ERC actively received complaints, launched investigations, provided mediation, and engaged in public education on ethnic relations issues. As of November the ERC had received 62 complaints, with an additional 56 unresolved complaints held over from 2005. Working with a two-person investigative unit, the ERC had resolved 67 of these complaints, with 51 outstanding as of late November.

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 there were approximately 360 students enrolled in the scholarship program. The Government funded an additional 273 students to attend technical institutions in Georgetown and provided 90 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.

A revised Amerindian Act was enacted on March 14, replacing the act in force since 1951. Many indigenous groups opposed the new act because of concerns over rights to land and resources, use of the term "Amerindian" rather than "Indigenous," the powers conferred upon the minister of Amerindian affairs, and the lack of autonomy given to community governing institutions. The revised act regulates indigenous life, including local governance. Indigenous villages elect a village council headed by a "Toshao," or head councillor. Persons wishing to enter indigenous lands must obtain permission from the local village council. Rules enacted by the village council require approval from the minister of Amerindian affairs before entering into force.

For the indigenous population, land rights were a major issue. Indigenous communities 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 complained that consultations on development in the interior did not provide adequate time for feedback. Indigenous groups also argued that by granting their communities title to certain lands, the Government was able to take control of other lands previously understood to belong to their communities. During the campaign for the August 28 elections, some indigenous groups complained that many indigenous citizens lacked the basic identity documents, such as birth certificates, necessary for registering to vote.

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 25 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 utilized 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, there were reports that such practices occurred (see section 5).

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 UNICEF survey (the most recent available), 19 percent of children between the ages of five 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. Teenage prostitution was a problem (see section 5).

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 is $109 (G$22,480) 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 $16 (G$3,300) per week. Although enforcement mechanisms exist, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal private 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 republic with a constitution that calls for an elected President and a bicameral legislature. Its population is approximately 8.4 million. After then President Jean Bertrand Aristide resigned and departed the country in February 2004, Boniface Alexandre, chief justice of the Supreme Court, assumed office as interim President (pursuant to the constitutionally prescribed order of succession). In March 2004 Gerard Latortue was installed as prime minister of the Interim government of Haiti (IGOH). Presidential and run-off parliamentary elections were held on February 7 and April 21. More than 3.5 million citizens registered to vote (79 percent of eligible voters according to a 2003 census), and an estimated 63 percent of registered voters participated in the elections. After a relatively stable and peaceful election process, voters selected a new President and filled 129 parliamentary seats. President Rene Preval and the new parliament took office on May 14.

The UN Stabilization Mission in Haiti (MINUSTAH), deploying 6,668 troops and 1,692 civilian police from 45 countries, provided security in advance of and during the elections, trained and supported the national police force, and assisted the Government in suppressing gang-related violence and deterring potentially violent opposition by well-armed and militant political groups.

Despite some improvements, the Government's human rights record remained poor. The following human rights problems were reported: occasional extrajudicial killings by elements of the Haitian National Police(HNP); overcrowding and poor sanitation in prisons; occasional arbitrary arrests; prolonged pretrial detention; an inefficient judiciary subject to significant influence by the executive and legislative branches; severe corruption in all branches of government; ineffective enforcement of trade union organizing rights; ineffective measures to prevent violence and societal discrimination against women; child abuse, internal trafficking of children, and child domestic labor; and ineffective measure to address killings by members of gangs and other armed groups; and kidnapping, torture and cruel treatment by gang members and criminals.

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 2005, the Government or its agents did not commit any politically motivated killings. However, there were incidents where suspected elements of the HNP (acting outside of their authority) unlawfully killed citizens. The Government was, for the most part, unable to conduct thorough and reliable investigations to determine who was at fault. It remained difficult to identify and prosecute suspected killings by HNP officers, sometimes due to imposters posing as HNP officers. The HNP lacked rudimentary expertise and resources and as a result was unable to conduct thorough and reliable in-

vestigations of many of these incidents. If suspects were arrested, they were often released due to the country's corrupt and inefficient judicial system.

On May 14, there were two suspected but unconfirmed deaths in prison caused by prison guards using excessive force during a riot at the men's penitentiary. The HNP, prison authorities, and MINUSTAH were unable to substantiate the deaths (see section 1.c.).

In August, media reported that an HNP officer in Gonaives shot and killed a man who was apparently arguing with the officer in front of the police station. The officer was arrested. No additional information was available.

There were some developments in multiple killings by HNP officers reported in 2005 and earlier. Four of the eight HNP officers charged with the 2004 torture and killing of five juveniles escaped from prison in February 2005. On August 30, the criminal court fined the remaining four officers and sentenced them to five years' imprisonment.

At year's end only two of the 15 HNP officers arrested for the August 2005 killings of six men during a soccer match in Port-au-Prince remained in prison and awaited trial. A judge, thought to be corrupt by one human rights organization, released the other 13 officers. Details concerning the release were not publicly available.

Much of the violence in the country stemmed from the activities of organized criminal gangs. Common criminality and armed attacks against civilians continued to create fear among the population.

On July 7, gang members deliberately killed at least 20 residents in the Gran Ravine district of Martissant, a slum area in Port-au-Prince. Many more people were injured and hundreds of homes were burned. The violence resulted from a territorial dispute between rival gangs. Subsequent turf battles in the Martissant area caused several more deaths in the weeks that followed.

On September 21, unknown assailants shot and killed Bruner Esterne, a human rights activist in the Gran Ravine district of Martissant. Esterne was an eyewitness to the HNP killings that occurred at a soccer match in Martissant in September 2005.

On September 26, gang members killed eight residents of Martissant's Fontamara district. MINUSTAH subsequently strengthened its presence in the area, but violence continued.

Suspected retribution killings also occurred. On September 14, Guy Francois, a former colonel in the now-disbanded army, was shot and killed by persons who were talking with him as he sat in his car in Petionville (a suburb of Port-au-Prince). The police have made no arrests in that case.

In response to ongoing violence perpetrated with impunity by criminals, citizens in some neighborhoods resorted to vigilante justice. There were occasional and credible reports of irate citizens in Port-au-Prince killing individuals who were suspected of rape, murder, or kidnapping.

On December 20, a crowd of several hundred citizens confronted HNP and MINUSTAH at an HNP substation under the mistaken belief that the HNP was holding a suspected kidnapper. The mob demanded that the authorities release the suspect so that the mob could kill him. The mob barricaded streets and burned a UN vehicle. HNP and UN-established civilian police (UNCIVPOL) broke up the mob, but at least two of the demonstrators were injured by gunfire and another possibly died. No further investigations were conducted at year's end.

b. Disappearance.—Unlike in 2005, there were no reports of politically motivated disappearances caused by government agents; however, there were reports of disappearances that stemmed from internal conflict.

There were widespread kidnappings of citizens from all social strata by armed and organized criminal elements. While most cases were resolved through the payment of ransom, some victims were tortured, raped, and killed while in their kidnappers' custody. There were 554 reported kidnapping victims during the year, compared with 760 in 2005. Many kidnappings were not reported.

In August and September the criminal court convicted and sentenced each of two HNP officers to seven years' imprisonment in two kidnapping cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices and, unlike in 2005 there were no reports that government officials employed them; however, criminal gangs frequently employed these practices.

In September the criminal court sentenced James Montas, an HNP officer, to six years in prison for the rape of Carline Seide on November 2, 2003.

During the year MINUSTAH investigated five cases of sexual exploitation and abuse of minors by MINUSTAH security forces. All remained pending at year's end.

Prison and Detention Center Conditions.—All but four of the police stations and prisons damaged or destroyed in 2004 have reopened; however, prisons remained overcrowded, poorly maintained, and unsanitary. According to the NGO National Human Rights Network for Haiti (RNDDH), 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, especially in the provinces. The incidence of preventable diseases such as beriberi, AIDS, and tuberculosis decreased during the year but remained a serious issue. Prisons were also plagued by guard corruption. There were 12 known retribution killings of prison guards outside prison walls within the last three years.

On May 14, a riot erupted at the National Penitentiary (housing adult men). Approximately 300 prisoners took over the maximum security facility within the penitentiary and held out for approximately four hours before surrendering to a combined force of prison guards, HNP crowd control CIMO officers (Haitian National Police's Company for Maintaining Order), and UNCIVPOL officers. Approximately 40 prisoners were injured (a few seriously) and perhaps two died according to UNCIVPOL officers on the scene; although the deaths have not been verified by the HNP, MINUSTAH or human rights organizations. Six police officers were injured. Information from MINUSTAH and witnesses at the scene indicated that during the riot prison guards physically abused prisoners, beating non aggressive prisoners with clubs and shooting firearms directly at unarmed prisoners. Intervention by a team of UNCIVPOL and HNP CIMO officers prevented the situation from becoming much worse.

There are separate penitentiaries for adult men and women in Port-au-Prince. The men's facility held 2,235 adult men, and the women's facility held 198 women (both adults and girls). There were 15 other local 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.

Most boys (109 of 154) 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 11-to–12 and 16-to–17 years-of-age. Most girls under age 16 (27 of 33) were held in the same cells as female adults in the women's penitentiary in Port-au-Prince.

The Government possessed a computerized national system for tracking the movements and status of prisoners in each of its facilities. This system was developed with the assistance of the UN Development Program and was maintained by correctional staff. The total prison population, including both pretrial detainees and sentenced prisoners in the country's 17 prisons, was 4,663. Of the 4,663 prisoners in custody, only 738 of them (16 percent) had been tried and sentenced, while 3,925 detainees (84 percent) still awaited trial.

An already burdened prison system was stressed further with insufficient facilities to hold prisoners, especially as new arrests mounted during the year. Due to lack of available space, minors and adults sometimes were held in the same cell. In addition, 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. Most severely overcrowded was the National Penitentiary in Port-au-Prince, built in 1915. The penitentiary was originally designed to hold a maximum of 800 prisoners and was expanded in 1997 to accommodate an additional 400 inmates, for a total of 1200 prisoners. It held 2,235 inmates at year's end.

The total 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 authorities freely permitted the International Committee of the Red Cross (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 ICRC and RNDDH monitored prison conditions in cooperation with the Department of Prison Administration (DAP).

The ICRC's primary concerns 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 appre-

hended during the commission of a crime, or on the basis of a written order 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 7,700-member HNP has the sole responsibility for law enforcement and maintenance of order in the country. 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.

In July 2005 the IGOH installed new HNP leadership, which then initiated a program to eliminate corrupt officers, train the remaining officers (including human rights training), and induct new classes of recruits who were cleared by MINUSTAH and UNCIVPOL. The director general installed in July 2005 purged the upper ranks of the internal affairs unit of corrupt officers and appointed a new professional inspector in charge of investigating accusations of police corruption and human rights abuses. Under the director general's leadership, the HNP conducted at times swift investigations of human rights cases and arrested suspected officers.

Reform and professionalization of the HNP continued as international programs provided: training (including human rights training) and equipment for new recruits and for existing officers, police station upgrades, security and humanitarian improvements to prisons, vehicles, computers and communications equipment, forensics equipment and training, weapons inventory and ballistics testing, and technical assistance. Nevertheless, efforts to reform the HNP remained incomplete, and HNP officers were still implicated in corruption, kidnapping, and narcotics trafficking.

The UNCIVPOL element of MINUSTAH supplemented the police and improved the HNP's capacity to maintain order. UNCIVPOL provided training (including human rights training) and operational support. Notably, with UNCIVPOL's assistance, HNP developed relatively well-trained and professional SWAT and CIMO forces.

In many cases the HNP failed to prevent or respond to societal violence, usually gang-related; the reasons being an insufficient number of officers and inadequate training. However, with the assistance of UNCIVPOL and international donors, the capacity and effectiveness of the HNP in preventing and responding to such violence improved.

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.

Police frequently disregarded the legal requirement to present detainees before a judge within 48 hours (see section 1.d.), often because of the sluggishness of the judicial system. Consequently, many detainees were held for extended periods in preventive detention without being informed of charges against them. Prolonged preventive detention remained a serious problem (see section 1.c.).

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 were sometimes detained after they were acquitted. According to information from the National Center for State Courts, an inefficient judicial record system occasionally caused detainees to remain in prison for weeks or months after a court had ordered their release.

Citizens deported to the country after completing prison sentences in foreign countries were often detained, although they had not violated any domestic laws. These detentions sometimes lasted several months. The Government justified the practice because of the high level of insecurity in Port-au-Prince, considering those deportees with a record of violent or serious crime as potential threats to the public order. In September a court ruled that such detentions were not valid under the law; however, authorities continued to temporarily incarcerate deportees previously convicted of violent crimes. The International Organization for Migration (IOM) implemented a 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. Years of extensive corruption and governmental neglect left the poorly organized and poorly funded judicial system largely moribund. Judges assigned to politically sensitive cases complained about interference from the executive branch. There were widespread and credible reports of judicial corruption. Previous attempts by the IGOH to rectify problems within the judicial system were only minimally effective. The newly elected government's efforts to reform the judiciary and judicial systems included the appointment of a new chief investigating magistrate (prosecutor) for the judicial district containing Port-au-Prince.

Systemic problems—including a shortage of funding and adequately trained and qualified justices of the peace, judges, and prosecutors—created a huge backlog of criminal cases, with many detainees waiting months for a court date (see section 1.d.).

Another systemic problem in the judicial system created a barrier for crime victims. After a citizen reported his or her victimization by a crime, justices of the peace charged inconsistent "fees" to initiate a criminal prosecution. These fees varied across jurisdictions and justices. The fees effectively barred some citizens from full access to the judicial system enabled 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, language remained a barrier to full access to the judicial system.

In most regions judges lacked basic resources and professional competence. 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 to establish a judicial council that would oversee the court system. In addition, the UNDP provided training for judges and court personnel in Jacmel, Cap Haitien, 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 abridged 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, prosecutors, and investigative magistrates. Examining magistrates often received files that were empty or missing police reports. Autopsies were rarely conducted, and autopsy reports seldom were issued. 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 two weeks. However, this did not occur in practice. Criminal assises in Port-au-Prince, the largest jurisdiction, have met only once a year since 1998, which was a significant reason for the lengthy delays for prisoners who were awaiting trial.

In addition, each annual assise processes only about 10 jury trials. Since most of the 2,144 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 jury trial. International donor programs allowed the Government to conduct additional jury and non-jury trials during the year but did not significantly reduce the backlog.

Political Prisoners and Detainees.—There were differing reports regarding whether the Government was holding political prisoners. At least two respected local human rights organizations reported that the Government did not hold political prisoners. On the other hand, Amnesty International stated that the Government held approximately 100 political prisoners. The differing reports reflected the large number of prisoners being detained without a trial. Since most prison detainees (84

percent) were awaiting trial, it was possible that some of them were being held for political reasons.

Former high-profile detainees, considered by many to be political prisoners, who were released during the year included:

On June 15 and July 27, respectively, former minister of interior Joclerme Privert and former prime minister Yvon Neptune were released from prison after more than two years in detention. Both were charged with involvement in the 2004 massacre of Aristide opponents near St. Marc. Neptune was released for medical reasons and Privert released pending the outcome of his appeal. Although many of the 28 former Aristide government officials and Lavalas supporters who were charged in the killings were provisionally released pending trial, four remained in detention.

On January 29, Father Gerard Jean-Juste, a Catholic priest and pro-Aristide activist who was arrested in July 2005, was provisionally released from custody for medical reasons after he was diagnosed with leukemia.

On August 14, Annette Auguste "So Anne," a self-proclaimed pro-Lavalas community organizer, was released after charges against her were dropped. She was arrested in May 2004 and charged with being the architect of an attack on state university students and faculty in 2003. On August 14 the court also released the other Lavalas militants accused in the attack, including George Honore, Paul Raymond, and Yvon "ZapZap" Antoine, citing a lack of evidence against them.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and unlike previous years, 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, a marginally effective judiciary, and a functioning democratic political system combined to ensure these freedoms. Unlike in previous years, there were no reports of killing or harassment of journalists.

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 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 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, 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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law prohibits the involuntary exile of citizens, and there were no reports of its use. However, there were anecdotal reports that former government officials imposed internal and external exile upon themselves and their families for fear of retaliation.

Protection of Refugees.—The law provides for the granting of refugee status or asylum in accordance with the 1951 UN 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 they feared persecution, but 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 UN 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, and citizens exercised this right in 2006 through free and fair elections based on universal suffrage.

The political system changed significantly following President Aristide's February 2004 resignation and departure from the country. Boniface Alexandre, President (chief justice) of the Supreme Court, assumed office as interim President in accordance with the constitution. The President chose Gerard Latortue as interim prime minister.

In April 2004 representatives of the IGOH agreed with political party leaders on a transition accord outlining the IGOH's mandate and committing it to organize elections in 2005. The IGOH eventually conducted primary and run-off elections in February and April respectively.

Elections and Political Participation.—To implement its commitment to hold elections, the IGOH appointed a nine-person Provisional Electoral Council (CEP), with representatives from several parties including Fanmi Lavalas (FL), the party of former President Aristide. The CEP proceeded with its mandate but, due to internal conflicts among the members and bureaucratic delays, deferred the original October 2005 election date to February 7 and April 21. Approximately 3.5 million people registered to vote, and 63 percent of registered voters participated in the elections.

There were 35 registered candidates for the presidency from across the political spectrum. While most parties were able to freely declare their candidates and get on the ballot, questions arose about Haitian-American businessman Dumarsais Simeus's citizenship status and a possible conflict with the constitution. Although the Supreme Court ruled twice in Simeus's favor, the CEP removed him from the Presidential ballot. The CEP also disqualified another dual citizen, Samir Mourra, on the same grounds.

Despite delays, the first round of Presidential and parliamentary elections occurred with relatively few administrative difficulties. The vote-counting process for the Presidential election created temporary uncertainty. An abstruse CEP interpretation of rules concerning the counting of spoiled ballots led to allegations of fraud from those backing Rene Preval, whose supporters threatened members of the CEP and held mass demonstrations in his support. MINUSTAH and the HNP provided extensive election security and oversight, and there were only limited instances of violence, disruption, and corruption. Many teams of international monitors and observers provided oversight as well, lending credibility to the results. Despite shortcomings in the process, citizens and international observer groups considered the election process acceptable and the results credible. Rene Preval won the presidency with 51 percent of the votes, and 129 National Assembly members were also elected. On May 14, President Preval took office for a five-year term.

The monetary deposit required of female candidates for political office (if sponsored by a recognized party) was one-half that required of male candidates. There was one female Presidential candidate, and a large number of female parliamentary and municipal candidates. Six women were elected to the 129-seat National Assembly, and there were two women in the 18-member cabinet.

On December 3, the CEP conducted elections to fill 8,820 local government positions throughout the country. There were few incidents of violence or fraud. Citizens and international observers considered the election process acceptable and the results credible.

Government Corruption and Transparency.—The NGO Transparency International reported in November that there was a widespread public perception of corruption. Corruption remained widespread in all branches and at all levels of government. 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 sought to reduce corruption within the judicial system.

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 Attitude 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 UN bodies and other international organizations such as the ICRC, the UN Independent Expert on Human Rights, the UNDP, the IACHR, MINUSTAH's Human Rights Office, and the OAS Special Mission's Human Rights Office.

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 organizations continued to focus on such persistent problems as murders, rapes, kidnappings, prison conditions, impunity for criminals, trafficking in persons, and the status of children and women.

The House of Deputies and the Senate each had a human rights commission. The new parliament took office in May and neither commission published any reports or passed 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 and domestic violence against women. 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.

According to women's rights groups and human rights organizations, domestic violence against women, including spousal abuse and rape, was commonplace, underreported, and increased compared with last year. In its January report, the UN Commission on Human Rights noted that women were involved in 85 percent of interpersonal violence cases and that the increase in rape was "disquieting." A report from Haitian Women in Solidarity (SOFA), a human rights organization for women, estimated that eight out of 10 women suffered domestic violence, and that incidence of rape increased. Women's shelters and organizations reported that local armed thugs frequently raped and harassed girls and women in districts such as Cite Soleil and Martissant. Police rarely arrested the perpetrators or investigated the incidents, and the victims sometimes suffered further harassment in retaliation and feared reprisals from the perpetrators. There were no government-sponsored programs for victims of violence.

Although prostitution is illegal, it remained a widespread problem, particularly among women and girls (see section 5, Trafficking).

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, though reasons suggested that incidents of sexual harassment did occur 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 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 private industry or service jobs, and government jobs, seldom were promoted to supervisory positions. There were no government efforts to combat economic discrimination.

Domestic women's rights groups were small, localized, and received little publicity. Some women's rights groups became increasingly involved in political and civic voter education initiatives in the pre-election season.

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. The Government implemented programs to reduce parents' educational costs by giving out 500,000 school uniforms and distributing two million textbooks across the country. 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 age six 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.

According to the most recent UNICEF statistics from 2004, approximately 23 percent of all children under the age of five were chronically malnourished. According to the UN's independent expert, there were approximately 200,000 HIV-related orphans and vulnerable children affected by HIV (children who have HIV, who have become orphaned because of HIV, or who live with parents who have HIV).

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 the UN's independent expert stated that 47 percent of sexual assaults involved minors.

There were credible reports that children were trafficked within the country and forced to work as domestic servants, called restaveks ("to live with" in Creole) (see section 5, Trafficking).

Port-au-Prince's large population of street children included many restaveks 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.

In 2005 a joint UNICEF/IACHR delegation expressed concern over grave violations of the human rights of children and adolescents committed as part of the ongoing violence in the country. In September UNICEF reinforced that assessment, highlighting the impact of the violence on the emotional equilibrium and development of the country's children, whether as victims or as witnesses. UNICEF attributed the violence to organized criminal gangs and called upon the Government to protect and guarantee the lives and rights of children.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although there are laws that could be used to combat human trafficking, and there were reports that persons were trafficked from and within the country. Such laws include labor laws and provisions prohibiting and penalizing kidnapping and violence against women.

Internal trafficking of children for domestic labor remained a significant problem. The country was also a source for persons trafficked to the Dominican Republic, the United States, Europe, and Canada. The Government acknowledged the problem of human trafficking but did little to address it.

Rural families continued to send young children, particularly girls, to more affluent city dwellers to serve as restaveks in exchange for that child's room and board. While some restaveks received adequate care, many employers 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 non-biological children were not priorities.

While difficult to quantify, the Government and UNICEF estimated that the number of restaveks ranged from 90,000 to 300,000.

The Government acknowledged the problem of internal trafficking of children and took steps to address it by forming the Brigade for the Protection of Minors. As a branch of the HNP, the Brigade investigated cases of child trafficking and monitored movement of children across the border with the Dominican Republic. However, the lack of resources, training, and institutionalized procedures remained a barrier to its operational capacity. Also, NGOs reported a lack of cooperation by the Brigade in dealing with child trafficking cases.

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 are 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.

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, and workers (with the exception of managers, administrators, other heads of establishments, and public utility service 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."

There were few public sector strikes during the year, all relating to the failure of government to pay staff in a particular hospital or school, for example, in a timely manner.

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 (see section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum employment age in all sectors is 15 years, with the exception of domestic service, for which the minimum is 12 years. There is also a legal provision for employment of children between the ages of 12 and 16 as apprentices. The labor code sets the minimum age for apprenticeships at 14. The law prohibits minors from working under dangerous conditions and prohibits night work in industrial enterprises for minors under 18. Fierce adult competition 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. According to the NGO Haitian Coalition for the Defense of the Rights of the Child, children worked primarily in domestic labor as restaveks, however, some worked on the street as vendors or beggars, and some were involved in prostitution.

Labor laws require anyone who employs a child as a domestic to obtain a permit from the Ministry of Labor and Social Affairs' Social Welfare and Research Institute (IBESR) and to ensure the overall welfare of the child until he or she reaches 15 years of age. Additionally the law requires that restaveks 15 years of age and older be paid not less than one half the amount paid to an adult servant hired to perform similar work, in addition to room and board. To avoid this obligation, employers dismissed many restaveks before they reached that age.

Although the Government designated IBESR to implement and enforce child labor laws and regulations, resources were inadequate to fund programs to investigate exploitative child labor cases throughout the country.

e. Acceptable Conditions of Work.—The legal minimum daily wage, which was approximately $1.84 (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 $0.40 (15 gourdes) were common. Many women worked as domestic employees, where minimum wage legislation also does not apply.

The law sets the standard workday at eight hours and the workweek at 48 hours, with 24 hours of rest on Sunday. The law was not effectively enforced, particularly for HNP officers who worked 12-hour shifts six days per week. There is no provision for the payment of 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. Fifty percent of the population was unemployed.

HONDURAS

Honduras is a constitutional democracy with a population of approximately seven 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.

Despite some positive steps, government corruption, impunity for violators of the law, and virulent gang violence exacerbated serious human rights problems in the country. The following human rights problems were reported: unlawful killings by members of the police, arbitrary and summary executions committed by vigilantes and former members of the security forces, the disappearance of a former dissident, beatings and other abuse of detainees by security forces, harsh prison conditions, failure to provide due process of law, lengthy pretrial detention, political interference in the judicial system, judicial corruption and institutional weakness, illegal searches, erosion of press freedom, violence and discrimination against women, child prostitution and abuse, trafficking in persons, discrimination against indigenous people, discrimination against persons based on sexual orientation, ineffective enforcement of labor laws, and child labor.

The Government enacted a Civil Procedures Code to reform court proceedings within the next two years, the minister of security took significant steps to reform the police, and the country ratified the UN Convention on Civilian and Political Rights.

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, members of the security forces were suspected of direct involvement in unlawful and arbitrary killings. As in previous years, nongovernmental organizations (NGOs) reported killings of youths and children by vigilante groups that also may have included members of the security forces (see section 5). There were no charges filed against or convictions of any persons in relation to such killings. Between 1998 and October, the NGO Casa Alianza reported the killings of 3,351 children and adults under the age of 23 (of which 472 occurred in the previous 12 months) and stated that government security forces were possibly involved in 65 of these killings.

Authorities sought or detained a number of police officials for their involvement in the killings of various individuals (see section 5).

On December 20, two environmentalists, Heraldo Zuniga and Roger Ivan Cartagena, were executed in front of the Guarizama municipality in Olancho allegedly by four members of the preventive police. The human rights prosecutor filed criminal charges against the four suspects.

On November 27, Comayagua police officers shot and killed bar owner Sean Keith Hanemann during a dispute at his bar; the police chief was also killed in the confrontation. At year's end two police remained in detention pending conclusion of an investigation.

A number of prisoner deaths were attributed to members of the security forces.

Investigations continued in the August 2005 kidnapping and killing of Jose Mario Garcia, the head of human resources at the Ministry of Public Works, and in the December 2005 killing of Francisco Cruz Galeano, a General Confederation of Workers (CGT) union leader.

At year's end an investigation of the 2004 killing of Christian Democratic congressional candidate Luis Armando Genawer Paguada remained pending.

During the year court sentenced Arlin Daniel Escobar Moli for the 2003 killing of priest Guillermo Antonio Salgado.

In November the Inter-American Court of Human Rights accepted the case of the 2001 killing of Nationalist Party congressional candidate Angel Pacheco, for which there were no known suspects.

In 2004 the Government accepted responsibility for human rights abuses committed in the 1980s and undertook to comply with Inter-American Court of Human Rights rulings regarding these killings. During the year a number of active and former military and police officials continued to face criminal charges for various human rights abuses, including the killings of 184 persons in the 1980s. Although most of the defendants were charged by the Public Ministry with illegal detention and murder, by year's end the Public Ministry remained unable to bring new cases against these individuals, including former members of the army's disbanded Intelligence Battalion 3–16 (see section 1.b.).

On September 21, the Inter-American Court of Human Rights condemned the Government in connection with the illegal detention and killing by police of four youths in 1995, known as the "four cardinal points case," and ordered removal of any obstruction of justice that provided impunity for the perpetrators. As a result of the judgment, the human rights prosecutor requested that the criminal court in Tegucigalpa issue arrest orders for a number of suspects in the case. Despite the attention this case received, the court had not proceeded against the police officials involved.

On July 6, the Office of Forensic Medicine turned over to their families the remains of Jose Edelmiro Lopez Rosales and Angel Rolando Padilla Guillen, who were killed in the 1980s. The remains were exhumed from clandestine graves in 2005. Human rights organizations continued to seek information from various sources to locate other clandestine graves for future exhumations to advance prosecutions against alleged human rights violators. By law courts will not accept a case unless the body of the victim has been recovered and positively identified. An identified body allows families and human rights organizations to bring a case of suspected human rights abuse to court. Although arrest warrants were issued in 1996, no one has been held responsible for these killings nor have the courts initiated further actions.

The 2004 Inter-American Court of Human Rights case regarding the 1998 killing of environmental activist and councilperson Carlos Antonio Luna Lopez remained pending at the court.

At year's end the appeals court had not issued a judgment in the case involving retired major Manuel de Trejo Rosa, who was under house arrest for the 1982 illegal detention and attempted killing of Nelson MacKay Echevarria and Miguel Francisco Carias Medina (see section 1.c.). Rosa was no longer under house arrest, and the alleged crime has gone unpunished.

At year's end the case of Raymundo Alexander Hernandez Santos, who was charged with the 1982 illegal detention and killing of Adan Avilez Funez and Nicaraguan citizen Amado Espinoza Paz, remained pending a decision by the Supreme Court of Justice.

In November 2005 police detained Colonel Juan Blas Salazar for the murder and illegal house search of two individuals in the 1980s. At year's end the matter remained under investigation, and Salazar was in detention in connection with other charges.

Through October the Ministry of Public Security reported that unknown actors killed 30 police officers, noting that gangs may have committed nine of these killings. These killings included one in September in which 12 shots were fired point blank at the officer.

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 activists continued to assert that some councils, as well as private security companies with ties to former and current military or police officials, acted with the tacit complicity of police as vigilantes or death squads targeting youth and other elements of the population.

There were no developments and none were expected in the investigation regarding the 2004 killing of Cesar Virgilio Pinot, allegedly by Agro Oriental security guards.

During the year the NGO Casa Alianza reported 444 killings of persons 23 years or younger; 22 percent of the victims were age 18 or younger (see section 5). An increasing number of the victims showed signs of torture and characteristics of indiscriminate executions.

b. Disappearance.—On June 11, five presumed agents of the General Office of Criminal Investigation (DGIC) kidnapped Jorge Ruiz Rosales, 53, former advisor of the National Association of Farmers of Honduras, as he was traveling from Tegucigalpa to Tocoa, Colon. 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. Family members filed a complaint with the DGIC on June 12.

The Ministry of Public Security reported that as of November there had been 14 kidnappings for ransom, compared with seven in 2005.

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.

The Public Ministry's appeal of the 2004 dismissal of charges against retired colonel Juan Evangelista Lopez Grijalba remained pending. Although Lopez Grijalba remained free on bail, on March 31 a foreign court found him liable for compensatory and punitive damages for torture of two plaintiffs, the disappearance and extrajudicial killing of a man, and torture, disappearance, and extrajudicial killing of another man.

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, 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.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. Through November, 29 gang members had been killed in prison, in some cases by members of rival gangs. For instance, on January 5, 13 prisoners were killed and 38 injured in a gang-initiated conflict at the Tamara National Penitentiary near Tegucigalpa. Authorities suspended two prison officials and opened an investigation.

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; however, Casa Alianza reported that rival gang members killed four minors in Centro Renaciendo. In the same detention center, a minor detainee died from a gunshot discharged from a guard's gun that had been smuggled into the center. After the incident, the Public Ministry and a juvenile court judge ordered the removal of armed guards from the detention center.

There were no further developments in the investigation of the 2004 fire at the San Pedro Sula prison that killed 107 inmates.

The Supreme Court of Justice sentenced the prison director and four other defendants to 19 years in prison for the deaths of 68 persons in 2003 at El Porvenir prison near La Ceiba.

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.

Female prisoners generally were held in separate facilities under conditions similar to those of male prisoners but did not have conjugal visit privileges as did male prisoners. At certain lower security prisons, women were held with the general population. Children up to age two 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.

Although the National Honduran Institute for Families (IHNFA) improved the infrastructure of four youth detention centers, overcrowding remained a problem due to the overall deficiencies of the juvenile penal system. Judges tended to place youth in detention centers in the absence of other educational or reform programs.

There were no further developments in the 2004 negotiations between the Government and Casa Alianza over Casa Alianza's complaint to the Inter-American Court of Human Rights regarding four minors tortured in a Comayagua prison in 1995.

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.

In November the Committee for the Defense of Human Rights in Honduras (CODEH) asserted that since its inception in August the Government's intensified crime reduction program, Operation Nation, had arbitrarily detained approximately 18,000 youth.

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. The minister of security took steps to strengthen the police, selectively instituting polygraph and drug tests and changing key personnel. Despite these steps, police lacked training and funding and were understaffed. Corruption was a serious problem. The Ministry of Public Security reported that from August 2005 to November 2006, authorities had prosecuted 29 police officers for offenses ranging from incompetence to corruption. On October 26, authorities reassigned 40 police officers and five other officials for soliciting bribes from suspects taken to the Fourth Station in the Belen neighborhood of Tegucigalpa. 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.

The Government revived the citizen security councils, which human rights groups claimed were responsible for an increase in unlawful deaths (see section 1.a.).

A number of inspectors and directors of police have been charged with flagrant human rights abuses; their cases remained pending with the Public Ministry at year's end. For example, subcommissioner "El Tigre" Juan Carlos Bonilla who was suspected, but never charged, in a number of unresolved killings continued as inspector of jails at year's end.

During the year 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 of killings against youth and minors, including in some instances police, continued to act with impunity.

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.

The NGO CODEH continued government-funded programs to train staff of the Prison Police to prevent acts of torture. Police and military officials took human rights training provided by international donors.

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 six 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 62 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. For instance, 310 prosecutors were responsible for handling more than 361,000 cases. As a result of these 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 responsible officials to process their releases.

By the end of fiscal year 2006, authorities achieved the goal of clearing the overall judicial backlog of criminal cases by closing 256,713 cases, including approximately 13,000 cases involving current inmates.

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.

In June authorities arrested a member of the Presidential Guard in connection with the 1999 killing of Francisco Javier Morales in Trujillo. Subsequently, at least five members of the Presidential Guard were deployed to Trujillo on official orders, where they threatened and attempted to suborn witnesses, prosecutors, and judges dealing with the case. Two witnesses subsequently recanted their testimony; although the presidency was informed of the situation, it took no action in response. The defense attorney requested DNA testing, but the court denied the request. The guard remained in jail awaiting trial.

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 COFADEH were the only two organizations to bring charges against human right violators by seeking financial retribution. This can be done when the criminal court states 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). Despite reforms to the civil service system, National or Liberal party membership often was necessary to obtain or retain government employment.

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, demonstrators are restricted from using 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.

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.

Congress, the Presidential Palace, and other government entities granted more than 20 major awards to individual journalists on Journalists' Day; NGOs believed 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.

In October the Inter American Press Association criticized President Zelaya for using rhetoric hostile to the media. For instance, during an October public conference, the President reacted to articles alleging government corruption and negative reports about his family by suggesting the slogan of the major conservative newspaper El Heraldo should be changed from "Truth" to "Lies in Your Hands."

In July journalists Eduardo Maldonado and David Romero Ellner were charged for defamation and lies against Mario Maldonado (no relation to Eduardo Maldonado), former director of Hondutel. The case was pending prosecution at year's end.

Former minister of housing Johnny Kafaty accused Channel 36 journalist Esdras Amado Lopez of slander and libel in June 2005. Although charges were dismissed in an appellate court, on November 6, Kafaty refiled with the lower court.

In 2005 the mayor of the municipality of San Marcos de Ocotepeque charged Radio America correspondent Jose Aleman with defamation and lies, but there was no prosecution. In March the case was resolved by conciliatory measures proposed by the presiding judge. Aleman agreed to refer to the mayor in a more respectful manner, and the mayor promised not to take retaliatory actions against the correspondent, his family, or the station.

On September 4, city council member Guillermo Villatoro Hall sued journalist Ernesto Rojas of San Pedro Sula de Noche radio station. Also on September 4, in Tegucigalpa, Yansen Juarez, national coordinator of programs and projects in the Public Education Ministry, sued journalist Francisco Romero of the program Hablemos de Noche de Hondured. Media observers considered these to be harassment suits.

During the year there were several reports of threats or lawsuits against journalists by powerful persons, including legal cases against journalists for their reports on corruption. NGOs that monitor freedom of the press registered threats that ranged from subtle to overt censure to threats by organized crime, mainly narcotraffickers.

Journalists who worked for the NGO Association for a More Just Society (ASJ) suffered harassment, anonymous calls, and persecution for reporting on irregularities in the operation of two private security businesses. On December 4, Dionisio Diaz Garcia, the ASJ's human rights attorney who had reportedly received death threats associated with the same labor case, was shot to death in Tegucigalpa. The killing was one in a series of killings of lawyers and judges, many of which were attributed to involvement in narcotics trafficking cases.

Journalist Renato Alvarez's 2004 appeal to the Supreme Court of Justice seeking an annulment of his sentence for defamation and slander 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 chatrooms. 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.—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; however, the criminal associations law prohibits illicit association and prescribes prison terms of three to 12 years (see section 5). 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. A reform to criminal code 332 outlawing illicit association was used to persecute farmers and indigenous people.

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 religions that claim to use 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.

Societal Abuses and Discrimination.—There were no reports of discrimination or violence against religious groups, including anti-Semitic acts. There was a small Jewish population.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution and law provide for these rights, and the Government generally respected them in practice.

The law does not explicitly prohibit forced internal or external exile, but the Government did not employ this practice during the year.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 they feared persecution, and granted refugee status or asylum. During the year the Government accepted 10 refugees for resettlement. The Government cooperated with the UN High Commissioner for Refugees, the International Office of 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.

Women participated actively in politics and were increasingly well represented in elected offices. There were 31 women elected to the 128-seat National Congress, compared with seven in 2001; there were seven women on the Board of Congress, three of whom were in the top five vice-Presidential positions; 10 women presided over congressional committees; eight of the 15 members of the Supreme Court of Justice, including its President, were women; the National Party was led by a woman for the first time in its history; four women were secretaries of state and five were technical secretaries.

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 executive and legislative branches were subject to corruption and political influence. The Government implemented an anticorruption policy to reform institutions and prosecute public and private sector officials accused of corruption. The Government also strengthened the National Anticorruption Board to include representatives of 12 organizations from civil society. There remained, however, a widespread perception among the public and international observers that corruption was severe and 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.

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. A foreign government revoked the visa of former President Rafael Callejas on grounds of corruption. The public and press warmly welcomed the action, which prompted a vigorous public conversation about the need for national institutions to police themselves better.

Ramon Romero, former director of immigration who was arrested and charged with various counts of corruption in May 2005, was dismissed from his post and at year's end faced criminal prosecution.

On November 27, Congress passed a strong transparency law that permits citizens access to information regarding government operations and decisions.

Section 4. Governmental Attitude 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 generally cooperated with these groups and were responsive to their views.

Journalists and lawyers working for the ASJ were harassed by a security firm (see section 2.a.).

There were no developments in the pending investigation of the 2004 killing of human rights activist Marvis Guelio Perez and the 2004 assault of Jose Idalecio Murillo, a leader of the Regional Coordination of Popular Resistance.

The Government cooperated with international organizations such as the International Committee of the Red Cross, which visited once during the year.

The National Human Rights Commission (CONADEH), an autonomous government institution, was headed by Human Rights Commissioner Ramon Custodio Lopez. The CONADEH 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 CONADEH.

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 were subjected to discrimination.

Women.—Violence against women remained widespread. The law criminalizes domestic violence with two to four 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 three 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. However, Congress amended the law to expedite the judicial process and improve precautionary measures and treatment for the victims. During the year the Public Ministry received 9,467 reports of alleged domestic violence, which resulted in 1,023 convictions; 237 cases remained under investigation. There were 2,398 reports of alleged intrafamily violence, a more serious crime under the law, with 47 cases prosecuted. There were 1,427 reports of rape, resulting in 52 convictions.

The Government worked with CARE and other NGOs to provide specialized training to police officials on enforcing the law relating to domestic violence. 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.

The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties in practice. Because all rapes, with the possible ex-

ception of spousal rape, which is evaluated on a case-by-case basis, are considered public crimes, a rapist can be prosecuted even if the victim does not press charges.

Whereas 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 (see section 5, Trafficking).

The law prohibits sexual harassment in the workplace and provides penalties of one to three 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 paying them lower salaries. 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, domestic workers, and other issues.

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 (INE) study estimated that as many as 368,000 of the 1.7 million children ages five to 12 did not receive any schooling during the year. In 2002 INE reported that only one of two students reached the sixth grade.

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 three years for persons convicted of child abuse. The Public Ministry received from Tegucigalpa and San Pedro Sula 1,934 reports of alleged crimes against children, including child abuse of which 216 were processed; 100 of the 216 cases were returned with no merit from the courts. In the same two cities, 72 cases were resolved, and the others remained under investigation or held up in the courts.

Trafficking in children for commercial sexual exploitation and child prostitution were problems (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

The Government and children's rights organizations estimated that there were 20,000 street children, only half of whom had shelter. Many street children were sexually molested or exploited. Programs to address this problem were limited. The Tegucigalpa city administration operated 12 temporary shelters with a total capacity of 240 children. The NGO Casa Alianza operated three shelters (with a capacity for 160 children) for victims of commercial sexual exploitation, for street children, and for children with substance abuse problems. The NGO provided assistance to approximately 1,300 children each year, attempting to reintegrate them with their families. Other private organizations and IHNFA centers also housed street children and cared for approximately 2,500 children.

Abuse of youth and children in poor neighborhoods and in gangs remained a serious problem. Members of the police and members of the general population engaged in violence against poor youth and children (see sections 1.a. and 1.c.). Human rights groups alleged credibly that individual members of the security forces worked with civilian (including vigilante) groups and 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.

During the year the legal arm of Casa Alianza investigated two cases of police brutality against minors. On March 23, preventive police officers assaulted minors Luis Sander Gomes Salgado and Dawin Sevilla. On June 20, agents of the DGIC illegally detained and abused minor Josue Armando Turcios. During the year killings of 444 children and young adults (ages 23 and under) were reported. Casa Alianza reported that normally law enforcement officials participated in these actions as individuals rather than as agents carrying out official policy. The NGO also stated that often these officials enjoyed a "climate of impunity" due to public opin-

ion, which often favored a strategy of "social cleansing" toward alleged gang members and other juveniles suspected of criminal activities.

Several groups and families of the victims pushed for investigations into specific incidents, while others claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders. The Ministry of Public Security acknowledged 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.

From January to September, the Special Investigative Unit on Child Killings had received cases involving killings of 80 minors; the unit attributed the killings to the categories of: unknown assailants (57 percent), gang members (30 percent), private individuals, family members and delinquents (12 percent), and police (1 percent). The new administration replaced most personnel in the investigative unit, thus depriving the unit of experience and technical ability. The investigative unit reduced the frequency of its reporting from monthly to semiannually, which constituted a setback in the investigation and prosecution of killings of youths.

The investigation continued into the 2004 Chamelecon massacre that resulted in 28 dead, six of them children; five gang-member suspects remained in detention pending the outcome of the investigation.

The law outlaws illicit association, including gang and organized crime membership, for which it prescribes prison terms ranging from three to 12 years, depending on the individual's level of involvement and seniority. Through November, 718 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 sub-groups; 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 a new law criminalizes trafficking in persons, there were reports that persons were trafficked from and within the country.

Women and children were trafficked into Guatemala and also internally, most often from rural to urban settings. The commercial sexual exploitation of children was a serious problem. 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. As of October Casa Alianza estimated that there were approximately 10,000 child victims of some form of commercial sexual exploitation, and 90 percent of the children trafficked from the country were girls. The Office of the Special Prosecutor for Children conducted 30 operations jointly with the police, the IHNFA, judges, and Casa Alianza, to rescue victims and to arrest and prosecute those responsible for the victims' exploitation.

The new law, which came into force on February 4, sets increased penalties and defines new offenses related to trafficking. Penalties involve longer imprisonment in six areas: incest, lechery, abuse, prostitution, pornography, and knowingly infecting someone with HIV/AIDS. Punishments include fines ranging from $5,000 to $25,000 (100,000 to 500,000 Lempiras) and imprisonment for four to 20 years. The application of the new law has been limited, reflecting an inadequate understanding of the complexity of human trafficking and commercial sexual exploitation on the part of judicial officials.

Most traffickers were apparently citizens of the country, Guatemalans, Mexicans, or in some cases, Chinese or Taiwanese.

There were 13 prosecutors in Tegucigalpa, five in San Pedro de 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. Some officials were investigated and dismissed for corruption.

During the year the court sentenced Lina Odales Diaz Luqe to eight years in prison and imposed a fine of $5,000 (100,000 lempiras) for sexual exploitation of girls, possibly using the Internet, in Honduras and Guatemala.

Three members of an international human trafficking ring arrested in January 2005 for luring women into commercial sexual exploitation abroad remained in detention while awaiting a preliminary hearing.

A court convicted and sentenced Glenda Suyapa Calderon, who was arrested in May 2005, to three years' and nine months' imprisonment for trafficking girls into Guatemala.

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 greater Tegucigalpa metropolitan area, an estimated 2,280 children were sexually expoited. In 2005 there were 37 cases of trafficking in persons, of which 17 were brought to trial and 10 resulted in conviction. By the end of year, the Public Ministry indicated there were 21 active sexual exploitation cases, of which 10 were under investigation.

During the year the Government cooperated with foreign governments to identify and repatriate minors. The Office of the Special Prosecutor for Children worked with its Guatemalan counterpart to locate and repatriate children who were trafficking victims, with 51 children returned from Mexico and Guatemala and one child each from Belize and Nicaragua. A five-year National Action Plan against commercial sexual exploitation of children and adolescents in the country was published in June; however, by year's end no actions had been implemented.

The women's prosecutor worked with the International Office for Migration (IOM) to help women who were victims of trafficking, found principally in Mexico and Guatemala, reintegrate into the social and work environment and provide them with psychological treatment; opened a prevention center for women; and trained 2,000 police officers on trafficking-related law enforcement practices and procedures. In November the IOM, the Interinstitutional Commission on Trafficking, and the UN Children's Fund completed a protocol for the repatriation of children and adolescents who were victims of or vulnerable to trafficking. The Government did not provide assistance to foreign victims of trafficking and did not provide funding to NGOs that helped trafficking victims. IHNFA was responsible for dealing with repatriated minors upon their arrival in the country. In Yunque, Ocotepque, IHNFA (with support of the Catholic Church and IOM) operated a shelter for the returned minor victims.

The Government and Casa Alianza, along with other NGOs, participated in six training seminars on the prevention and eradication of the commercial sexual exploitation of children and trafficking in women and children. Through these seminars the Public Ministry trained a total of 250 justice officers, which included judges, prosecutors, and preventive and frontier police.

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.

General 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 in the provision of other state services. The law requires access to buildings for persons with disabilities. In practice only a few buildings were accessible, such as the National Registry of Persons and the offices of the Property Institute. In May government responsibility for protecting the rights of persons with disabilities passed from the Public Ministry's Office of the Special Prosecutor for Children and Persons with Disabilities to its Office of the Special Prosecutor for Human Rights.

Indigenous People.—Approximately 621,000 persons, constituting 9 percent of the general population, were members of indigenous and other ethnic groups. These populations, 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 group. 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 between landless nonindigenous settlers and powerful business elites and government entities interested in exploiting coastlines, forests, and other lands traditionally occupied or utilized by indigenous and other ethnic groups. 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."

By year's end there were several protests by indigenous groups regarding land rights disputes and perceived government discrimination. On November 30, the Government purchased indigenous community lands and transferred them to the Chorti, pursuant to a commitment the Government made in 1997.

In early April Congressman Romualdo Bueso Melghem allegedly tried to strangle a journalist to prevent her from recording threats he was making to Lenca indigenous leader Salvador Zuniga. An investigation took place after journalist Marta Vasquez filed a complaint with the Public Ministry's special prosecutor for minority groups. One of the witnesses was Dr. Orizon Velasquez, then secretary of health, who had said he had been at the meeting where Melghem supposedly had committed the aggression; however, the Office of the Prosecutor was not able to present its case because the video tape of the aggression mysteriously disappeared, and Dr. Velasquez later declared that he had no comment on this case.

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. During the year Garifuna leaders reported 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 the Garifuna people.

In February the Inter-American Court of Human Rights criticized the Government for having held Garifuna leader Alfredo Lopez Alvarez in deplorable prison conditions without any evidence against him. Alvarez was released from prison in July 2004.

In July Garifuna leader Jessica Garcia said she was forced at gunpoint to sign a document surrendering land and rights to a powerful real estate company. After refusing to accept a bribe to endorse the document, she claimed a company representative threatened to kill her and her children. The case, which was sent to the court by the local prosecutor's office and was considered a felony, followed the killing of two Garifuna community members in San Juan and violent attacks against the San Juan community by security guards working for a major real estate development company. The three cases involving the Garifuna were investigated by the office of the prosecutor and presented to the criminal court in Tela. At year's end the accused were in prison pending their court date.

In July National Party Congressman Miguel Angel Gamez publicly stated that the election of three Liberal Party congressmen "bothered" him. In a March 30 interview, Gamez said that he was a racist and "did not like blacks." The Garifuna community denounced the congressman, urging the Government to punish him under the laws against racism. The Public Ministry's special prosecutor for minority groups opened an investigation, following which Congressman Gamez publicly apologized and promoted congressional motions to benefit the Garifuna community.

Two Garifuna youths, Castillo and Lopez, were found killed after an incident at a party on February 25. Witnesses said they had argued with six naval officers of the First Naval Batallion. At the crime scene, M–16 casings were found. The prosecutor's office issued orders of arrest against the six officers. Their first court appearance took place in March, and they remained imprisoned in the Tamara jail at year's end.

Mirna Isabel Santos Thomas, a young Garifuna woman, was killed in San Juan, Tela, and the court of Tela issued an arrest order for three individuals who were clearly identified as the culprits. The first court hearing took place in September, and the judge ordered preventive prison terms for the three individuals pending a new court hearing.

CONADEH reported that police agents fraudulently took natural resources such as wood from indigenous groups and that Monsignor Luis Alfonso Santos, who has led protests against strip mining, reported receiving death threats; however, no charges were brought against the mining companies.

The Government undertook minimal efforts to work with indigenous groups to address concerns regarding ownership and use of traditional lands.

The courts commonly denied legal recourse to indigenous groups and often favored nonindigenous parties of means and influence. Failure to obtain legal redress frequently led indigenous groups to attempt to regain land through invasions of private property, which gave the authorities occasion to retaliate forcefully.

Human rights organizations, including AI, continued to complain about alleged poor treatment, police beatings, and denial of adequate medical care for indigenous brothers Marcelino Miranda Mendoza and Leonardo Miranda Mendoza, members of the Civic Council of Indigenous and Popular Organizations of Honduras. In 2003 a

court convicted and sentenced the brothers to 29 years' imprisonment for the 2001 murder of Juan Reyes Gomez. The Supreme Court of Justice overturned the sentence in 2003 and ordered the appeals court to reconsider the case. The two brothers were released during the year and absolved of charges of murder, theft, and damages. The Special Prosecutor's Office of Ethnic Affairs opened a case against 22 police officials for abuse of power, torture, and damages against the Lenca brothers. The court put the case on hold, but the prosecutor's office requested that it be reopened.

Daniel Martinez Montes from the Toulepan tribe was murdered at the El Palmar tribe in Morazon, Yoro. The prosecutor for ethnic affairs and the police captured three men accused of the crime, who were put in prison.

Other Societal Abuses and Discrimination.—During the Maduro administration, legal recognition and registration was granted to lesbian-gay-bisexual-transgender rights group. There were no discriminatory laws based on sexual orientation, but in practice social discrimination against persons based on sexual orientation was widespread. Representatives of the sexual diversity rights NGOs Violet Collective, the San Pedro Gay Community, Kukulcan, and the Transvestite Sex Workers Collective of San Pedro Sula asserted that their members regularly experienced abuses, beatings, killings (see section 1.a.), and other physical and verbal mistreatment from authorities. In cases where lesbians, gays, and transgenders were found dead, the prosecutor's office often encountered serious difficulties because the victims were either concealing their identity or sexual orientation or, in many cases, were hiding from their families. Criminal investigations were categorized by female or male gender and not transgenders. The Inter-American Commission of Human Rights documented approximately 200 cases, but continuing technical problems made these cases very difficult to document and process correctly. Gay rights groups also asserted that there was antigay discrimination by security forces and government agencies and that employers used illegal discriminatory hiring practices. These groups also reported that due to intimidation, fear of reprisal, and police corruption, gay and lesbian victims of abuse were reluctant to file charges or proceed with prosecutions.

The NGO Red de Hombres Gay Positivos alleged that employers routinely ignored antidiscrimination employment laws and used testing supposedly for syphilis among employees and job applicants as a means to detect HIV status to screen persons testing positive. The NGO also alleged that some Protestant churches fueled prejudice against HIV-positive persons because there are no regulations in the matter. Certain Protestant churches called for the elimination of the legal representation of gay and lesbian groups.

Job-related age discrimination was 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 July statistics from the Ministry of Labor, approximately 8 percent of the work force, excluding the agriculture sector, and approximately 13 percent of the 133,000 maquiladora 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 less than 10 employees.

A number of private firms continued to maintain solidarity associations that provided credit and other services to workers who were members of these associations. 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 over allegations of 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, and failure to reinstate workers was a serious problem.

Although the law prohibits blacklisting, there was credible evidence that maquiladora employers blacklisted employees seeking to form unions. There were 46 reports of maquiladora workers allegedly fired for union activity who were hired for one or two weeks and then dismissed with no explanation. Maquiladora 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. During the year the new minister of labor fired many of these inspectors.

On September 28, the NGO Women's Group of Honduras complained that the Golden National Group maquila in Choloma closed operations without paying legally mandated salaries to 250 employees, mostly women.

The complaint that 30 maquiladora workers filed, which alleged that they were fired in February 2005 for trying to form a union at their workplace at the Olga de Villanueva company, remained under investigation by the Ministry of Labor at year's end.

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 1, public school teachers held a national strike. After a violent demonstration on August 9, in which security forces demonstrated due restraint, the strike ended on August 11 when the Government agreed to a raise in salaries due to a campaign pledge. The law, however, 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. Essential services include air and water transportation, electrical energy production, telecommunications, hospitals and clinics, refuse collection and cleaning services, production of primary necessities affecting public services, social and charitable associations, animal and plant hygiene and scientific investigation of illnesses, as well as petroleum production, refining, transport, and distribution.

The International Labor Organization (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 same labor regulations apply in the export processing zones (EPZs) as in the rest of private industry, with the exception that that the law provides additional restrictions on strikes in EPZs. There were 45 free zones established in the country and 18 industrial parks operating as EPZs. An additional 26 companies 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.—Although the law generally prohibits forced or compulsory labor, including by children, it permits compulsory labor for convicted criminals. Additionally, there were credible allegations of compulsory overtime at maquiladora plants, particularly for women, who comprised approximately 65 percent of that sector's workforce.

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 17 years as six 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.

Approximately 57 percent of the country's population was under age 15. 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 maquiladora 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.

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 five and 18, worked either part-time or full-time. IPEC estimated that during the year 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.

Casa Alianza conducted a study in 20 cities throughout the country and found that 10,000 children were victims of commercial sexual exploitation crimes or trafficking in persons (see section 5). 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.

There were isolated cases of children under the legal working age working in the maquiladora sector. Younger children sometimes obtained work permits by fraud or purchased forged permits.

The Ministry of Labor continued a campaign to increase industry awareness on the worst forms of child labor. The IPEC program identified the worst forms of child labor in the country as commercial sexual exploitation particularly in tourist areas along the North Coast, fireworks production, offshore diving from boats for commercial lobster fishing, limestone quarrying and lime mining, garbage dump picking, melon and other commercial agriculture production involving handling of pesticides, wood-cutting in saw mills, and construction activities.

The Government undertook social and educational programs to reach at-risk children, including a school grant program of the Ministry of Education 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.

e. Acceptable Conditions of Work.—The daily minimum wage scale, which was updated during the year, is broken down by sector and size of business: small (one to 15 workers) and large (16 or more workers). The scale ranges from $3.58 (68 lempiras) for workers in small agriculture to $5.63 (107 lempiras) for workers in financial and insurance companies and workers in export-oriented businesses, including maquiladoras and commercial agriculture such as tobacco, coffee, bananas, and seafood production. Workers in areas such as construction, services, mining, transportation, and communication had minimum wages between these two rates. The minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor and the Minimum Wage Commission were responsible for enforcing the minimum wage.

The law prescribes a maximum 44-hour workweek and at least one 24-hour rest period for every six 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. 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 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 (see section 6.b.). Workers in pineapple production and other commercial agriculture enterprises alleged blacklisting by employers if they made complaints to the authorities about working conditions. During the year the Ministry of Labor trained labor inspectors to integrate and unify inspection capacity. The ministry also undertook with the National Autonomous University of Honduras a technical assistance workshop diploma course on workplace risk prevention that trained 24 inspectors.

A 2005 case filed by the NGO Association of Crippled Mosquito Divers with the Inter-American Commission on Human Rights called on the Government to adhere to a 2004 agreement with the association requiring employers to create better working conditions for divers. A July report by CONADEH indicated that 50 divers had died in recent years and nearly 20 percent suffered paralysis. The minister of labor called upon employers to comply with security measures for the divers. 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 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 the generally free and fair 2002 elections, Prime Minister P.J. Patterson's People's National Party (PNP) won 34 of the 60 seats in the House of Representatives. In March Portia Simpson-Miller replaced Patterson as prime minister and President of the party in an internal PNP election. 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 commit 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 some unlawful or unwarranted killings during the year.

The police frequently employed lethal force in apprehending criminal suspects, which resulted in 189 deaths (including 10 police officers) as of early December, compared with 160 deaths (including 13 police officers) for the same period in 2005. While allegations of "police murder" remained frequent, the validity of some allegations was suspect. The country faced a critical crime situation with a homicide rate exceeding 45 per 100,000 persons, a reduction from the 2005 rate of 62 per 100,000. Well-armed gangs that trafficked in narcotics and guns controlled many inner-city communities. The gangs often were equipped better than the police force and conducted coordinated ambushes of joint security patrols.

On August 19, police killed four men in Alexandria, Chapelton. Police stated that a shoot-out led to their deaths. Residents of the community protested the killings, claiming that there was no shoot-out and that guns were planted on the dead men. At year's end the police Bureau of Special Investigations (BSI) was investigating the case.

During the year one detainee died while in police custody. On April 5, a police officer set fire to a detainee who was in custody at the St. James police head-

quarters lock-up in Montego Bay. The police commissioner suspended five police officers the next day, and the case was under review by the Jamaica Constabulary Force's (JCF) Professional Standards Branch at year's end.

BSI concluded its investigation into the August 2005 killing of 16-year-old Jeff Smellie by police in Kingston. At year's end the case was being reviewed by the Department of Public Prosecutions (DPP).

At year's end BSI continued its investigation of the December 2005 police killing of Nichols Weir and Donald Allen in Portmore, St. Catherine.

The 2004 police killing of three men in Burnt Savannah, Westmoreland, was before the coroner's court to determine whether criminal charges should be brought against any members of the JCF.

Similarly, the 2004 killing by Jamaica Defence Force (JDF) soldiers of Sandra Sewell and Gayon Alcott in August Town, St. Andrew, went before the coroner's court in July, but no verdict was reached by year's end.

No formal charges were filed in the 2004 police killing of 15-year-old Donovan Hayles and 7-year-old Shakeira Thompson in Old Braeton, St. Catherine, which was sent to the DPP in 2005.

The six members of the JCF's disbanded Crime Management Unit, including Senior Superintendent Reneto Adams, charged in connection with the 2003 killing of four people at a home in Crawle, Clarendon, were reinstated to the JCF, after a judge ordered charges dropped against three of them, and a jury found the remaining three officers not guilty.

Authorities tried five police officers for the 2003 police killing of two elderly men in the community of Flankers, St. James. In July the judge released one of the officers based on lack of evidence, and a jury found the four others not guilty.

It can take many years to bring police officers to trial for unlawful killings. Authorities set a trial date of March 15, 2007 for three police officers charged with the 2001 killing of Richard Williams. A fourth officer involved in the killing was reported to be "on the run." Authorities also set a trial date of March 19, 2007 for the three police officers charged in 2003 with the 1999 killing of Noel Barnes in a shoot-out with police.

In the case of the 2000 police killing of Janice Allen, her family appealed the dismissal of the case against the responsible police officer. In June the case went before an appeals court panel of judges. On December 20, the Court of Appeal upheld the original ruling, and the case was being taken to the Privy Council.

Vigilantism and spontaneous mob killings in response to crime continued to be a problem. There were 14 vigilante killings during the year, with varying motives. On April 1, a vigilante mob killed a man thought to have stolen a cow the preceding week.

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

In December 2005 authorities charged Lawrence Clayton, a police officer, with false imprisonment for his role in the 2004 police abduction of two men in Kingston. At year's end the case was before the court. The victims had not been found.

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.

At year's end police were reviewing the case of one correctional officer under investigation for aiding with a 2005 prison escape.

The Ministry of National Security reviewed 2005 charges by a former prison doctor for the St. Catherine Adult Correction Center in Spanish Town, who alleged that mass rapes, particularly of mentally ill inmates and inmates serving time for nonviolent offenses, occurred at the prison during the year. The corrections commissioner referred to the doctor as "disgruntled" and noted that he quit work in 2002. The investigation found one case reported in 2004 in which one inmate who claimed he was victimized by another was of "unsound mind," and it could not corroborate the other allegations made by the doctor.

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 few doctors on staff.

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 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 high rate of killings, the JCF generally was not effective. Although the homicide rate declined from 2005, the country still experienced one of the highest levels of violent crime in its history, and 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.

In March 2005 Mark Shields, formerly of the London Metropolitan Police, joined the JCF as deputy commissioner of police in charge of crime, hired for a four-year period with primary responsibility to reduce the homicide rate. During the year two additional officers from the United Kingdom joined the JCF and assumed the organized crime, firearms, and coastal security portfolios.

The JCF conducted both administrative and criminal investigations into all incidents involving fatal shootings by the police. The JCF's BSI, which employed 23 investigators, specifically addressed police shootings. The BSI completed 452 investigations and sent 280 investigations of shooting incidents to the DPP during the year. The DPP ruled on 238 cases and sent an undetermined number to criminal courts. No officer was found criminally liable during the year. The BSI supplemented the JCF Office of Professional Responsibility, which investigated police corruption and other misconduct, and the civilian Police Public Complaints Authority, which oversaw investigations by the other two bodies and could initiate its own investigations.

The JCF continued an initiative of community policing to address the problem of 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 includes training for policemen 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 (see section 1.a.).

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. 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, and the authorities continued their cordon and search policy in neighborhoods where they believed certain suspects may be present. During these operations, conducted by the JCF sometimes in conjunction with the JDF, authorities detained groups of people and took them to a police station or other safe area where they were processed and held pending determination whether they were the suspects the police were looking for. By law, unless special permission is granted by a justice of the peace or a resident magistrate, persons must be released within 24 hours if they have not been charged with a crime.

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 two or three years), which the Government attributed to an overburdened court system (see section 1.e.). Magistrates were required to inquire at least once a week into the welfare of each person listed by the JCF as detained.

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 public prosecutor's office, 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. In a culture in which it is widely believed that "informers will die," 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 has ever been 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, which is 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 does not always have enough money to award each case and, consequently, a backlog of awards developed. 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. There were no allegations of unauthorized wiretapping by the police.

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. In one case the Privy Council awarded a libel judgment of approximately $540,000 (J$35 million). That case led one media professional to bring a challenge to government libel laws at the Inter-American Commission on Human Rights in 2005. 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 chatrooms. 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 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.—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. In 2003 a parliamentary joint select committee on marijuana recommended decriminalization of possession of small quantities of marijuana. In April the Senate passed a resolution to have the committee reconvene and conclude its deliberations, but by year's end the committee had not met.

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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and 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 UN 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 they feared persecution, and handled refugee or asylum cases administratively. The Government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The Government provided temporary protection to a number of persons who did not qualify as refugees under the UN treaties. Immigration officers interviewed all Haitians who arrived during the year, determined that none qualified for refugee status, and repatriated all of them.

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 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" in 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, which impeded the free exercise of their right to vote.

In 2002 P.J. Patterson's PNP won 34 of the 60 seats in the popularly elected House of Representatives. In March the PNP annual conference elected Portia Simpson-Miller to replace Patterson as party President, and on March 30 she was sworn in as the seventh prime minister (and the first woman to hold the office). At year's end, the PNP held 34 seats in the House of Representatives and 13 of the 21 seats in the appointed Senate.

There were seven women in the 60-seat House of Representatives, and five women in the 21-seat Senate. Including the Prime Minister, three of the 14 cabinet members were women.

Government Corruption and Transparency.—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. The nongovernmental organization (NGO) Transparency International reported a serious level of perceived corruption in the country. According to a media poll, the public believed over half of the JCF was corrupt and considered nearly 50 percent of all government employees corrupt. A newspaper article carried a police officer's account of drug-trafficking (and protection of drug traffickers), bribery, and close connections between JCF members and the gang leaders in the garrison communities.

In August the national security minister said that "there is no doubt that we have suffered from the confluence of criminality and politics. Violence became an element too closely linked with political life and that brought unsavory elements into the political process." He also expressed concern that individuals with criminal connections could influence both the political process and even be elected to parliament.

On February 8, unknown assailants shot and killed Andrew Hope, a local "don," or gang leader in a garrison community. In 2004 it was discovered that a prominent politician had an automobile coregistered in her name and that of Hope. The politician, a member of parliament, represents the district where the gang is based. At year's end the JCF had not identified any suspects in the killing.

On July 24, Vin Lawrence, former chairman of the government-operated Urban Development Corporation (UDC) resigned from the UDC and several other government boards, after the contractor general accused the UDC of deliberately withholding information regarding cost overruns at the Sandals Whitehouse hotel project. The UDC was the project manager and a one-third partner in a $70 million (J$4.6 billion) project that incurred cost overruns of $43 million (J$2.8 billion). At year's end the Public Accounts Committee of parliament was investigating the incident.

In October Colin Campbell resigned as minister of information and development and PNP general secretary but retained his position as a senator after it was revealed that he may have presented Trafigura, a Dutch company, with a government invoice for services that had not been rendered. Trafigura then paid approximately $500,000 (J$31 million) to an account entitled "Colin Campbell Our Candidate," funds that were used to pay for the PNP's annual conference. The PNP later agreed to repay the funds to Trafigura but had not done so by year's end.

Reports indicated that more than 5,000 civil servants failed to file, or filed late or incomplete, financial declarations that are required under the Corruption Prevention Act.

The Access to Information Act (ATI), which went into effect in January 2005, 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. The ATI Advisory Stakeholders Committee submitted recommendations for amendments to the law and changes in procedure to the Joint Select Committee, but the committee had not submitted its views to parliament by year's end.

Section 4. Governmental Attitude 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 (JFJ) focused on the issues of police impunity, extrajudicial killings, and excessive use of force by the police and wrote a weekly newspaper column. JFJ re-

ported that undercover police regularly attended its meetings. Some members of the police and the DPP were outspoken in their criticism of the organization. The group used to sit on the board of the Ministry of Justice's Justice Consultative Committee; however, that committee reportedly has not met since 2004.

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.—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 provides remedies for domestic violence, 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 six 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.

Rape was illegal and carried a penalty of up to 25 years' imprisonment with hard labor. By early December, 635 incidents of rape were reported (not including statutory rape), a decrease of 7 percent over the same period in 2005, but NGOs stressed that the vast majority of rapes were not reported. Moreover, these statistics may be misleading because the decrease may have been due to a lack of confidence in the police. The JCF rape investigative and juvenile unit, which was headed by a female deputy superintendent, handled sex crimes.

Although the law prohibits prostitution, it was widespread, particularly in tourist areas. Trafficking in women for prostitution was a problem (see section 5, Trafficking).

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.

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, mandated under the 2004 Child Care and Protection Act. The position has broad responsibilities for reviewing laws, policies, practices, and government services affecting children; providing legal services and investigating complaints against government; and publishing reports and issuing best practice guidelines regarding any matter concerning the rights or best interests of children. At year's end, however, staffing shortages and lack of infrastructure limited the office's ability to address all the reports and calls it received.

Public primary education was free, universal, and compulsory for students between the ages of six 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. More than 70 percent of children between the ages of 12 and 16 had access to secondary

school, and the UN Children's Fund reported that most children completed secondary education.

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 early December, there were 397 cases of carnal abuse reported, a 31 percent increase over the same period in 2005. However, this may have been in part due to increased reporting and not necessarily an increase in the number of crimes. 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 purposes of sexual exploitation were problems (see section 5, Trafficking).

Trafficking in Persons.—The country was a source for women and children trafficked for purposes of sexual exploitation and labor. In a 2005 exploratory assessment, the International Organization for Migration (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.

Although the law did not specifically prohibit trafficking in adults, there were laws against assault and fraud, and other laws established various immigration and customs regulations that could be used against this practice. On December 5, the lower house of parliament approved a comprehensive new antitrafficking law and sent it to the Senate, which was scheduled to consider it in January 2007.

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.

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 with 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. Police raided some night clubs and charged six persons with trafficking during the year. Authorities rescued nine trafficking victims during the year, six over age 18 and three between the ages of 13 and 17.

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.

In August 2005 the Government launched a year-long educational campaign to educate citizens regarding the dangers of trafficking in persons; the campaign continued throughout the year. The Government formed a National Task Force Against Trafficking in Persons and created a specialized police antitrafficking unit within the Organized Crime Division of the JCF. A main focus of this unit was to compile data on trafficking investigations and related legal proceedings. Six officers staffed the unit. The new officers did not receive IOM training, but they were trained by other officers who had been exposed to IOM training. Three major crime hot lines were available to receive reports of trafficking 24 hours per day.

Persons With Disabilities.—There were no laws prohibiting discrimination against persons with disabilities nor any laws 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 Offenses Against the Person Act 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 documented a number of instances of homophobic violence during the

year, some of which resulted in charges brought to court, while others were never reported to authorities by reason of fear.

On April 4, an angry mob of students chased and beat a man accused of making homosexual advances toward a male student at the University of the West Indies Mona campus. Campus security extracted the alleged homosexual from the mob scene and took him to the police station. At year's end no charges had been made, nor had there been a police investigation into the incident.

On June 29, two women believed to be lesbians, Candice Williams and Phoebe Myrie, were killed. It was reported that an estranged male partner of Williams was the primary suspect in the killings and that the relationship between the women may have been the motive. However, no arrests were made.

In November 2005 Lenford "Steve" Harvey, who operated Jamaican AIDS Support for Life, was killed on the eve of World AIDS Day. Authorities arrested six suspects for the robbery and murder of Harvey and held the same suspects in connection with a similar robbery/murder in which a heterosexual man was killed. Police cited this as evidence that Harvey's murder was not a hate crime, but civil society groups maintained that Harvey would not have been killed had he been heterosexual. Authorities set an early 2007 trial date for the four male suspects; at year's end no date had been set to try the two female suspects.

In December 2005 a homophobic mob allegedly chased homosexual Nokia Cowen off a pier at Kingston Harbor where he drowned. At year's end the police had not identified any suspects in the killing, and the case was no longer being investigated.

In May a court sentenced Dwight Hayden to life imprisonment for the 2004 killing of Brian Williamson, a prominent homosexual rights activist and founding member of J-FLAG.

On January 16, a court acquitted famous dancehall artist Mark Myrie, a.k.a. Buju Banton, of all charges related to a 2004 assault in a house in Kingston when a group of armed men beat six men while shouting homophobic insults.

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 admit their homosexuality for their own safety. There were numerous reports of violence against homosexual inmates, perpetrated both by the wardens and by other inmates, but few inmates sought recourse through the prison system.

Homosexual men were hesitant to report incidents against them because of fear for their physical wellbeing. Human rights NGOs and government entities agreed that brutality against homosexuals, both by police and private citizens, was widespread in the community.

No laws protected 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 220 disputes reported to the Ministry of Labor, 21 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 over a 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.

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 (see section 5).

The COE's annual report reiterated its recommendation that the Government amend prison rules so as to ensure that no prisoners may work for private individuals or companies except under conditions of a freely accepted employment relationship, which would bring the rules into conformity with ILO Convention 29 on Forced Labor. 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 with conducting child labor inspections, and the CDA is charged with finding places of safety for children. However, according to CDA officials, resources to investigate exploitative 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 (see section 5).

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 one day of rest per week. Work in excess of 40 hours per week or eight 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.

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 the public service contributed to the difficulties in enforcing workplace regulations. At year's end the Industrial Safety Division had 16 officers, who conducted 2,333 planned inspections, 31 special inspections, and 40 accident investigations. Violators were warned and given 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, with a population of 107 million, is a federal republic composed of 31 states and a federal district, with an elected President and bicameral legislature.

In July Felipe Calderon of the National Action Party (PAN) was elected President to a six-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.

Although 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, a deeply entrenched culture of impunity and corruption persisted, particularly at the state and local level. The following human rights problems were reported: unlawful killings by security forces; kidnappings, including by police; torture; poor and overcrowded prison conditions; arbitrary arrests and detention; corruption, inefficiency, and lack of transparency in the judicial system; statements coerced through torture 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; criminal violence, including killings against women; trafficking in persons, sometimes allegedly with official involvement; social and economic discrimination against indigenous people; 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.—The Government or its agents did not commit any politically motivated killings; however, security forces acting both within and outside the line of duty killed numerous persons during the year.

On April 20, in an attempt by state and federal police to end a miners' strike in Michoacan, miners Hector Alvarez Gomez and Mario Castillo were killed and 53 other striking workers injured (see section 6.a.). On October 11, the semi-autonomous National Commission for Human Rights (CNDH) published a report placing responsibility for the killings on federal and state security forces due to their excessive use of force, violating the victims' right to life and physical integrity. The Secretariat for Public Security rejected the CNDH recommendation, disagreeing with the commission's interpretations and conclusions. An official investigation continued at year's end.

During confrontations on May 3 and 4 with armed protesters in San Salvador Atenco (see section 1.c.), police fatally shot 14-year-old Javier Cortes Santiago. Ollin Alexis Behumea Hernandez was struck in the head by a tear gas grenade and died on June 5 from her injuries. A CNDH investigation, published on October 16, concluded that government authorities were responsible for both deaths. The State Attorney General's Office made no conclusions in its investigations by year's end (see section 1.c.).

A prolonged conflict in the state of Oaxaca began in May when members of the 70,000-member state teachers union initiated an annual strike to demand higher wages. The teachers' position hardened after Oaxaca's state governor, Ulises Ruiz, ordered state police to break up a sit-in in the city's historic center. Oaxaca became paralyzed by organized protests led by teachers and an umbrella organization, the Popular Assembly of the Peoples of Oaxaca (APPO). Unidentified gunmen allegedly linked to the governor and members of the APPO periodically clashed. According to CNDH, the resulting conflict directly or indirectly caused 20 civilian deaths, including the August 10 killing of demonstrator Jose Jimenez Colmenares, the August 20 killing of protester Lorenzo San Pablo Cervantes, and three killings on October 27, including the shooting of a freelance journalist (see section 2.a.). By year's end, state and federal investigations had not identified the perpetrators of any of these killings, although human rights groups asserted that persons linked to state security forces were responsible. Following the October 27 killings, the Government deployed to Oaxaca City approximately 3,000 Federal Preventive Police (PFP), who remained there until December 17. During this period there were allegations of human rights violations connected to federal police as well as to unidentified gunmen believed linked to the governor. Between June 2 and year's end, CNDH received more than 1,200 complaints of human rights violations in Oaxaca, including torture, homicide, and disappearances.

On August 27, Jose Gabriel Velazquez Perez died in the custody of municipal police in Chiapa de Corzo, Chiapas. In the afternoon two police officers arrested Velazquez Perez, in response to a call from his mother who complained that he was in her house inebriated. The officers used tear gas after Velazquez Perez reportedly resisted, and they beat him en route to the municipal jail. Subsequently, he was denied medical treatment by the subcommander and guard at the jail. Velazquez Perez died before midnight of internal bleeding. Four officers—Bernardo Montejo

Vicente, Rubicel Velasquez Flores, Carlos Antonio Cuesta Hernandez, and Luis Antonio Perez Hernandez—were arrested on September 27 on charges of homicide. While the suspects remained in jail, the case was pending at year's end.

Throughout the year there were numerous reports of executions carried out by rival drug cartels, whose members allegedly included both active and former federal, state, and municipal security forces. Organized military-style groups were also associated with the cartels, including a group of former special forces soldiers (known as the Zetas) as well as a growing presence of former Guatemalan special forces soldiers known as Kaibiles, trained in unconventional counterinsurgency tactics. More than 2,000 persons were killed in crime-related violence throughout the country. In the state of Michoacan alone, there were reportedly more than 500 execution-style killings. On July 15, local police in Tabasco State arrested "El Comandante" Mateo Diaz Lopez, one of the leaders and founders of the Zetas; he was in jail awaiting trial at year's end. On December 8, President Calderon sent nearly 7,000 military and federal police forces to Michoacan to combat violence in the state.

The killing of police officers nationwide continued to be a serious problem, with more than 123 such killings reported from January through November. Violence against police officials was particularly severe in many northern cities, including Monterrey, Nuevo Laredo, and Tijuana. In Tijuana, according to the State District Attorney's office, the number of killings of police officers during the year (33 at year's end) tripled compared with the previous year. The Tijuana Homicide Division opened investigations into the killings of the law enforcement officers, but no suspects were named and no arrests made by year's end.

On August 17, unknown assailants fatally shot federal Judge Rene Hilario Nieto Contreras in his car. Judge Nieto had handled cases involving the Gulf and Juarez cartels. The Attorney General reported that the investigation of the killing was ongoing and included examining links to the Gulf cartel.

There were no new developments in the Office of the Attorney General's (PGR) investigation of the May 2005 killing of three university students in Tamaulipas by PFP officers.

There were no developments concerning the case of the August 2005 death of American citizen Pauline Baeza, who died while in police custody in Tijuana.

On July 14, authorities arrested two municipal police officers in Zapotitlan Tablas, Guerrero, on charges of homicide and abuse of authority in connection with the 2004 death while in custody of Socrates Tolentino Gonzalez Genaro. The mother of Gonzalez Genaro complained of threats received before and after the July arrests. The case was pending at year's end.

Special Prosecutor Ignacio Carillo Prieto, charged with the responsibility to investigate crimes against past political and social movements, issued a report on November 18 through the Attorney General's Office on the Government's crimes committed during the so-called dirty war that occurred between 1960 and 1980. The report included the names of 645 persons who "disappeared," 99 victims of extrajudicial killings, and more than 2,000 victims of torture. Moreover, the report held the administrations of three Presidents accountable for crimes, while dismissing the theory that atrocities were committed by rogue police or military units. Some of the authors of the report held reservations about the final version, and other critics noted that the Special Prosecutor's Office failed to convict any of the suspected criminals. Nevertheless, the report marked the first time the Government assumed responsibility for its actions in the "dirty war."

On June 30, former President Luis Echeverria was placed under house arrest on charges of genocide, related to the 1968 killings of student demonstrators at Tlatelolco (see section 1.b.), marking the first arrest of a former President. Although a judge ruled on July 8 that the statute of limitations for the crime had expired, the special prosecutor won an appeal on November 29 that reinstated the arrest warrant. However, officials postponed a medical evaluation required to advance the court proceedings, due to Echeverria's reported poor health. The case remained pending at year's end.

On December 26, the state attorney general of Chiapas appointed a special prosecutor to investigate the 1997 killings of 45 Tzotzil Indians in Acteal, Chiapas, a case in which irregularities have been cited by lawyers and human rights groups. On July 27, a federal judge handed down sentences to 32 Tzotzil Indians for their roles in the massacre, while 51 others waited trial at year's end; 35 arrest warrants were outstanding.

There were no developments, and none were expected, regarding a 2004 vigilante attack on three PFP agents in the Tlahuac neighborhood of Mexico City. Twenty-six persons remained in prison, awaiting trial for their involvement in the crime.

In August the state government of Guerrero made a one-time payment of up to $5,000 (55,100 pesos) to victims' families of the 1995 massacre of 17 indigenous farmers in Aguas Blancas.

Societal violence against women, including killings, remained a serious problem nationwide (see section 5).

b. Disappearance.—There were no reports of politically motivated disappearances; however, there were credible allegations of police involvement in kidnappings. Local police, including high-level officers and also sometimes in collusion with federal agents, kidnapped civilians and demanded ransom from their families. According to media reports, the Attorney General's Office (PGR) released information through the Federal Institute of Access to Public Information (IFAI) indicating that PGR employees were allegedly involved in 39 cases of forced disappearance during the Fox administration that took office in 2000.

In several cases of reported disappearances, police had detained the missing person incommunicado for several days (see section 1.d.).

There were no developments in the case against a PGR agent and two counternarcotics agents accused in the September 2005 kidnapping and extortion of a nightclub manager in Mexico City.

There were no developments in the April 2005 disappearance of Hermosillo investigative reporter Alfredo Jimenez Mota (see section 2.a.).

The Federal Special Prosecutors Office Against Organized Crime (SIEDO) continued investigating a case into drug-related disappearances and killings committed by Chihuahua State Judicial Police personnel arrested in 2004. At year's end nine officers awaited sentencing, while the former commander of the Chihuahua homicide unit, Miguel Angel Loya Gallegos, and three other former agents, remained at large. The Chihuahua state government offered more than $9,200 (100,000 pesos) for the arrest of Loya.

On October 20, PGR agents arrested Jorge Bustos, a former commander in the former Federal Security Directorate, in connection with the 1974 disappearance of six members of the Brigada Lancandona, a guerilla organization. The case remained pending at year's end. The office of Special Prosecutor Carrillo Prieto arrested other former government officials connected to crimes during the dirty war, but the charges often failed to hold (see section 1.a.).

Kidnapping continued to be a serious problem for persons of all socioeconomic levels. Many cases went unreported, as families negotiated directly with kidnappers. Security forces made several high-profile kidnapping arrests and rescues, with the Mexico City government having claimed to resolve approximately 60 percent of nearly 900 reported kidnapping cases over the last six years; although the number of reported cases 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 his bank account, was a serious problem, with varying unofficial estimates that far surpassed 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 torture in particular continued to be a serious problem. Despite the law's provisions to the contrary, confessions obtained by torture often were admitted as evidence (see section 1.e.). Many citizens distrusted law enforcement officials and the justice system in general and were reluctant to register official complaints. PGR officials stated that arrested criminals often registered false complaints of torture as a legal defense.

Authorities continued to use torture with near impunity in large part because confessions were the primary evidence in many criminal convictions (see section 1.e.). Human rights groups linked torture to the pervasiveness of arbitrary detention: police and prosecutors often attempted to justify an arrest by forcibly securing a confession to a crime (see section 1.d.).

The Government took steps to implement preventive measures against the practice of torture. The federal government and some states implemented the Istanbul Protocol, the UN guidelines to investigate and document torture.

CNDH received six torture complaints during the year, not including alleged torture cases linked to the events in San Salvador Atenco and Oaxaca. CNDH and other human rights groups charged that authorities employed sophisticated psychological torture techniques as well as traditional methods to extract confessions.

On May 3 and 4, in San Salvador Atenco, state of Mexico, the state police and PFP attempted to evict flower vendors illegally installed in the town square, resulting in an armed confrontation with the protesting vendors and supporters from a local activist group, the Popular Front for the Defense of Land. Police and protesters sustained injuries; two protesters were killed (see section 1.a.); and 12 police were

taken hostage, beaten, and later released by protesters. Police detained but soon released all but 33 of approximately 200 protesters. Subsequently, protesters and human rights groups registered complaints against the police through CNDH and government authorities, which included charges of excessive force, beatings of detainees, and sexual assaults of prisoners. State and federal investigations were pending at year's end. On August 17, the Supreme Court agreed to investigate the alleged human rights violations at Atenco but had made no ruling by year's end. The CNDH received 211 complaints of abuse and on October 16, released a report confirming complaints of sexual assault and torture against 26 detainees during and after the Atenco confrontation. The Secretary of Public Security, which is responsible for the PFP, rejected CNDH's recommendations, stating that federal agents responded legitimately to the protesters' attacks. The UN Committee on the Elimination of Discrimination against Women and the UN Committee Against Torture held sessions on Mexico, in August and November, respectively, and both expressed strong concerns about the acts of violence committed by security forces in Atenco, especially against women.

During the Oaxaca conflict (see section 1.a.), human rights organizations raised many complaints of alleged torture and maltreatment by state and federal police, both of protesters and bystanders. A coalition of local and international human rights organizations, including Fray Bartolome de las Casas and the Christian Association for the Abolition of Torture (ACAT), reported several arrests and beatings by armed individuals in civilian clothing during mid-August. On August 9, German Mendoza Nube, a kidney dialysis patient, and a member of the APPO-affiliated Popular Revolutionary Front, was allegedly removed from his wheelchair, stripped of his dialysis equipment, and forced to spend the night in jail without food or adequate medical attention. He was arrested for attempted murder (a charge from a previous year, unconnected to the current conflict) and other offenses. In the early hours of August 10, Ramiro Aragon Perez and two companions were detained, beaten, and delivered to Zimatlan municipal jail in Oaxaca State. The State Attorney General's Office charged Aragon Perez with a federal weapons offense. The PGR interviewed Aragon Perez and requested the local Attorney General's office to investigate charges of possible torture. On August 11, Erangelio Mendoza Gonzalez, a member of the Oaxaca teachers' union and its leader between 1992 and 1995, was apprehended and brought to Cuicuatlan jail. Human rights organizations claimed that he was physically abused in detention, denied medical attention, and held incommunicado for more than 72 hours before learning of the charges of robbery and property damage (the burning of a bus) against him.

Human rights organizations claimed that the charges against Mendoza Nube, Aragon Perez, and Mendoza Gonazalez were fabricated or without merit. The three were released on October 30 as a result of negotiations between the Interior Ministry and the Oaxaca teacher's union. CNDH interviewed Mendoza Nube, Aragon Perez, and Mendoza Gonazalez; CNDH's conclusions had not been published by year's end.

On November 25, a particularly violent clash occurred in Oaxaca between the PFP and APPO. During an APPO protest, the PFP responded to attacks against its security corridor in the city center by firing tear gas on protesters and wielding clubs. That night the APPO set its own encampments ablaze and burned several state and federal buildings. The PFP detained 141 protesters and transported them to a federal prison in Nayarit State. Despite the Attorney General's denial of any human rights violations by federal forces, reports emerged of the mistreatment of detainees by federal and state police. By year's end, most of the protesters were released and the remaining detainees were transferred to state-run jails in Oaxaca. According to media reports, 66 protesters remained detained at the end of the year. CNDH reported that it interviewed and conducted medical checks of all 141 detainees and in some cases conducted examinations according to Istanbul Protocol guidelines to identify whether they were tortured.

In March the Chihuahua Supreme Court approved the appeal and reversed the conviction, based on lack of evidence, of a Ciudad Juarez police officer arrested in September 2005 for the rape of an American citizen in August 2005. No other suspects were sentenced or under arrest for the crime at year's end.

On July 29, David Meza, arrested in 2003 for the rape and murder of his cousin and tortured by police into confessing to the crime, was released due to lack of evidence.

There were reports of vigilante behavior, especially in Oaxaca when state and local police vanished from the capital during the months-long crisis. On October 24, according to media reports, dozens of residents in the Libertad neighborhood of the capital tied a local prison guard, Jose Manuel Dominguez, to a pole and beat him

until he nearly lost consciousness. They left him bound to the pole through the night and turned him over to local authorities the following morning.

Prison and Detention Center Conditions.—Prison conditions remained poor. The CNDH reported that corruption, overcrowding, alcoholism, and drug addiction were prevalent in most facilities. Poorly trained, underpaid, and corrupt guards staffed most prisons. Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. 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; as the occupancy in the country's 455 penal facilities was estimated on average to be at more than 130 percent 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 numerous inmate deaths, often at the hands of other prisoners. During the year there were at least 115 deaths, including 13 killings and 26 suicides, among a nationwide federal prison population of nearly 125,000. The Jalisco State Attorney General's Office investigated human rights violations in the Jalisco penitentiary system following an inmate's suicide in August. In the first four months of the year, seven inmates reportedly died in Jalisco's jails or holding cells. The Jalisco capital of Guadalajara installed video cameras in some of its municipal jails to promote transparency and comply with a recommendation from the State Commission of Human Rights concerning allegations of prisoner abuse.

CNDH noted that conditions for women prisoners were inferior to those for men, particularly for children who lived with their mothers in the jails. A 2006 study by the Christian Association for the Abolition of Torture-Mexico (ACAT) of a prison for women in Mexico City found that 81 percent of the prisoners reported mistreatment when apprehended or in custody: 51 percent received threats; 44 percent were beaten; and 12 percent were sexually abused or raped.

Pretrial detainees were routinely held together with convicted criminals.

The Government permitted independent monitoring of prison conditions by nongovernmental organizations (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 made 139 visits through October.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention; however, police routinely ignored these provisions.

Role of the Police and Security Apparatus.—The federal, state, and municipal police forces included approximately 330,000 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 (SFP), depending on the type of offense. The CNDH also can receive complaints, but its recommendations are nonbinding and carry no legal weight. 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 25,000 employees, and the Secretariat for Public Security (SSP) trained more than 11,000 employees in human rights issues.

On December 7, the PFP raided the Oaxaca ministerial police headquarters, confiscating more than 340 guns to investigate whether any had been used in attacks against protesters. The investigation continued at year's end.

Arrest and Detention.—Police arbitrarily arrested and detained persons suspected of crimes, in many cases without a warrant. In the legal system 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 per-

son within four months of detention if the alleged crime carries a sentence of less than two years' imprisonment, or within one year if the crime carries a longer sentence; in practice, judicial and police authorities frequently ignored these time limits (see sections 1.c. and 1.e.). A financial bond may be placed as bail only in cases that carry penalties of five years or less; otherwise, release is not available. Detainees were usually allowed prompt access to family members and to counsel, although in some cases, police detained persons incommunicado for several days (see section 1.c.). CNDH received 276 complaints of arbitrary detention from January to October.

On January 12, Martin Barrios, coordinator of the Tehuacan Valley Human and Labor Rights Commission, was released from a Puebla city jail after being arrested and detained in December 2005 by Puebla state police on charges of blackmail connected with a labor dispute at a textile factory.

Human rights organizations charged that federal police arbitrarily detained many of the 141 protesters in Oaxaca on November 25 (see section 1.c.).

In December 2005 Puebla state police arrested independent journalist Lydia Cacho in Cancun and took her across state lines to Puebla, where she was held for 30 hours on charges of libel filed by a prominent businessman. The Supreme Court was investigating whether violations of human rights were committed (see section 2.a.).

There were no developments in the case concerning the August 2005 detention and alleged ill treatment of more than 500 demonstrators in Cancun, Quintana Roo.

Lengthy pretrial detention remained a problem. Slightly more than 90,000 inmates, or 43 percent, awaited sentencing nationwide. The media reported that detainees were sometimes held several years without a trial.

Amnesty.—According to CNDH, the federal government did not grant amnesty to any prisoners during the year. Although not officially considered amnesty, the PGR's Special Unit for Indigenous Affairs did grant freedom to 819 members of the indigenous community, with priority to the old and sick, between 2000 and year's end.

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.

The federal court system consists of the Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts.

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.

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.

During the year Chihuahua State passed comprehensive criminal procedural codes that permit oral trials for all crimes, improve investigation techniques, strengthen victim's rights, and provide for alternative sentencing. From August through December, the state provided intensive training for defense attorneys, prosecutors, judges, and investigative police, in preparation for the initiation of oral trials in January 2007. In August the state of Mexico began using oral trials in two courts for minor crimes.

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. Public defender services were placed either in the judicial or executive branch; there were no autonomous public defender services.

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 continued to allow statements coerced through torture to be used as evidence against the accused (see section 1.c.), 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, thus providing prosecutors an incentive to obtain an incrimi-

nating first confession and making 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.—There were no developments regarding the 2005 review by the Guerrero State Secretary of government Armando Chavarria Barrera of the cases of nine potential political prisoners held in the state's penitentiaries.

A coalition of local and international human rights groups categorized some arrested leaders of APPO and the Oaxaca teachers' movement as political detainees (see section 1.c.), a concern they raised with the Inter-American Commission on Human Rights. Human rights groups expressed concern that state officials in civilian dress arrested prominent APPO leaders for political motives, filing charges that lacked merit, and failing to follow due process. Prisoners were reportedly visited by family, lawyers, and local and international human rights groups, although at times with difficulty (see section 1.c.).

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. There were no such cases 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 206 complaints of illegal searches from January to October.

Although the law permits wiretapping that is conducted pursuant to a judicial order in organized crime investigations, it cannot be submitted as evidence in a court of law without an order.

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.

While the federal government usually tolerated criticism, state and local level officials occasionally responded to unfavorable news articles by threatening their authors with libel and defamation lawsuits. There were approximately 300 privately owned newspapers, and most radio stations were privately owned.

Despite federal government support for freedom of the press, many journalists worked in an extremely dangerous environment. On February 15, in response to the increasing violence, the federal government established the Office of the Special Prosecutor for Crimes Committed Against Journalists. Although his jurisdiction does not cover activities of drug cartels or organized crime, the special prosecutor identified drug trafficking, abuse of political power, and economic interests as the greatest threats to journalists, noting that since 1982, 53 journalists were murdered or had disappeared because of their profession.

During the year Reporters without Borders listed 10 journalists killed and one disappeared, although the Committee to Protect Journalists reported seven journalists killed and one disappeared. Other journalists were harassed, threatened, or attacked. The Special Prosecutor's Office received 78 complaints of harassment of journalists between March and August. The CNDH received 34 complaints between January and August. With the exception of the infringement of press liberties in Oaxaca, most threats against journalists related to reporting on organized crime. By year's end, state and federal authorities had not concluded their investigations into the killing of American citizen Bradley Will, a reporter working in Oaxaca without national press credentials (see section 1.a.).

During the crisis in Oaxaca, there were reports of numerous violations of press freedom committed by groups allegedly linked to the state government as well as by the APPO (see sections 1.a. and 1.c.). On July 14 and August 11, respectively, unidentified individuals used acid to destroy the transmission equipment of Radio Planton and Radio Universidad, stations sympathetic to the protesters. On August 10, armed assailants in Oaxaca attacked the newspaper Noticias, seriously injuring two employees. The newspaper continued to publish outside its main office. On August 22, state police allegedly fired on photographers from the newspapers Milenio and Reforma. There were reports that a Oaxaca-based station, known as Radio Ciudadana and reportedly linked to the governor, incited violence against protesters.

APPO commandeered numerous radio stations, forcing them to broadcast its message. On August 3, APPO threatened attacks on the newspapers Tiempo and Extra, alleging that they maintained close ties with the governor; both publications closed their offices. On August 16, APPO members physically attacked a Milenio journalist, accusing him of inaccurate reporting. On September 24, APPO members temporarily detained well-known Mexican journalist Ricardo Rocha in a hotel and took his equipment, including a camera and video tapes.

Reporters covering the various drug cartels and associated corrupt public officials acknowledged practicing self-censorship, recognizing the dangers investigative journalism presented to themselves and their families. In February an armed gang raided the offices of Nuevo Laredo's newspaper El Manana, firing bullets in the newsroom and beating two members of the editorial staff. In August the newspaper Por Esto was the target of attacks, with bombs and grenades, at its Cancun and Merida offices. The publication investigated drug trafficking in the region.

International press organizations contended that federal and state criminal defamation and libel laws violated freedom of expression and advocated their repeal.

In December 2005 authorities arrested Lydia Cacho in Cancun on charges of failing to respond to a libel and defamation summons filed by a wealthy businessman, Kamel Nacif Borge. Cacho, who claimed she was never informed of the summons, was then taken to Puebla and detained for 30 hours until released on bail. Her 2004 book, The Demons of Eden, documented a child pornography and prostitution ring, with alleged collusion between wealthy businessmen and public officials. While not accusing Nacif of wrongdoing, Cacho wrote of close business ties between Nacif and a central figure implicated in the ring, Jean Succar Kuri (see section 5). In February Mexico City media released recorded telephone conversations, apparently between Nacif and Puebla Governor Mario Marin, in which the two appeared to collude in Cacho's arrest. On April 18, the Supreme Court agreed to investigate the potential human rights violations involved in her detention, invoking a rarely exercised constitutional jurisdiction. On September 19, the court rejected a motion claiming insufficient evidence and resolved to continue investigating the case.

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 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 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 with police, and subsequent arrests led to complaints of arbitrary detention, use of excessive force, torture, rape, and sometimes killings (see sections 1.a., 1.c., and 1.d.).

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. However, poor enforcement mechanisms allowed local authorities to discriminate against persons based on their religious beliefs, 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.

While state government officials claimed to have resolved the March 2005 conflict between Catholics and Protestants in the town of Zinacantan, civil society members

disagreed and reported an inclination towards violence persisted. On August 22, tensions emerged again during the gubernatorial campaign. According to media reports, groups of Catholics and Protestants, allegedly associated with the political parties Institutional Revolutionary Party (PRI) and the Party of the Democratic Revolution (PRD), respectively, clashed when Protestant parents reportedly were not allowed to participate in election-day festivities. A PRD-linked Protestant reportedly shot and killed a PRI-linked Catholic; two were wounded, and several members of both groups were detained. The state government Office for Religious Affairs attributed the events to social and political rather than religious tensions. Four remained in jail, and the case was pending at year's end. In July in San Juan Chamula, Chiapas, the media reported that a group of PRI-affiliated Catholics destroyed an illegally constructed evangelical church that was attended by members of the PRD; the Catholics threatened to expel or kill the eight evangelical families if they attempted to rebuild. According to state officials, on July 28, the parties involved resolved the dispute and signed an agreement to respect local authority and religious freedom.

According to the Hidalgo State Commission for Human Rights, the 40 families threatened with expulsion in October 2005 from San Nicolas, Hidalgo, remained in the town, and religious tensions had significantly diminished.

The Jewish community numbered approximately 50,000 persons. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law 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 UN 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 they fear persecution. From January to August, the Government granted refugee status or asylum to 61 applicants of 493 pending cases.

Although in many instances the National Migration Institute (INM) eventually released Cuban migrants, in some cases they were returned to Cuba. Among the more than 3,000 presumed Cubans who entered the country illegally during the year, 184 were identified as Cuban nationals and deported; the remaining were released, and it was assumed they 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 UN 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.—The Presidential and congressional elections of July 2 tested the country's electoral institutions. They 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 razor-thin victory margin in the electoral courts. The PRD also staged nonviolent protests and civil disobedience activities, including the blockage of streets in the capital as well as smaller demonstrations in several regional cities, demanding a full recount of ballots nationwide.

The Federal Electoral Tribunal ruled to recount approximately 9 percent of voting stations, principally those in which the PRD presented some evidence of inconsistencies. This partial recount had minimal impact on Calderon's 0.56 percent margin of victory.

On September 5, the tribunal declared Felipe Calderon President-elect, ending rival candidate Lopez Obrador's two-month-long legal challenge of the election results. In its final decision, the tribunal ruled that while it found no evidence of fraud, it had found a number of irregularities, including a large number of appar-

ently random counting and arithmetic errors. It also rebuked President Fox for his thinly veiled endorsements of Calderon and criticism of Lopez Obrador, as well as pro-Calderon television ads sponsored by a business group. The tribunal determined, however, that these irregularities provided insufficient grounds to invalidate the election. Lopez Obrador refused to accept the tribunal's decision, declared himself the "legitimate President," established a "parallel government," and vowed to continue acts of civil disobedience.

The results of concurrent congressional and state-level elections were far less controversial than the Presidential election, although the results in several individual races were challenged, as routinely occurs. The PAN won three gubernatorial races and approximately 40 percent of congressional seats. The PRD retained the significant office of mayor of Mexico City and won the second largest number of seats in the lower house of Congress. Although its Presidential candidate ran more than 10 percentage points behind the two leading candidates, the PRI came in second place in the upper house of Congress and finished in a close third place in the lower house. In addition, two recently established political parties secured enough votes to guarantee their status as national parties entitling them to government funding.

During the year political parties, opposition groups, and independent associations functioned freely without government interference or restriction. National political parties needed Federal Electoral Institute (IFE) recognition based on having won at least 2 percent of the vote in the last national election. The IFE recognized eight national political parties. On October 3, the Supreme Court struck down state electoral laws barring independent candidates from running for public office.

There were 22 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. President Calderon appointed four women to his 21-member cabinet. One woman held a position in former President Fox's cabinet. 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 (see section 2.c.). 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 (see section 5).

Government Corruption and Transparency.—Corruption was a problem at all levels of government as public officials continued to be involved frequently in bureaucratic abuses and a variety of criminal acts with impunity (see sections 1.b., 1.c., 2.a., 5, and 6). In recent years all major political parties have been fined for illegal campaign funding. Paying bribes to administrative officials and security forces continued to be routine.

In February Mexico City media released recorded telephone conversations, apparently between businessman Kamel Nacif and Puebla Governor Mario Marin, in which the two appeared to collude in journalist Lydia Cacho's arrest (see section 2.a.). In the conversation, the voice identified as Nacif expressed thanks and offered the governor two "beautiful" bottles of cognac. On April 18, the Supreme Court agreed to investigate the potential human rights violations involved in Cacho's detention, invoking a rarely exercised constitutional jurisdiction. The case was under the review of the Supreme Court at year's end.

Since enactment of a 2002 law providing for public access to government information, transparency in public administration at the federal level has improved noticeably. Foreign media, citizens, and foreigners have successfully used the law, with an annual number of requests increasing from 24,000 in 2003 to more than 50,000 in 2005. At the state and local level, transparency remained mixed. According to the Federal Institute for Access of Information, the Federal District and 27 of the country's 31 states enacted transparency laws; 70 municipalities in the country had enacted transparency rules.

Section 4. Governmental Attitude 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, state and municipal authorities frequently harassed human rights defenders. UN agencies and other international bodies freely operated

in the country and publicly criticized the Government without restriction or sanction.

The semi-autonomous CNDH, which receives full funding from the federal government, has the authority to investigate allegations of human rights and did so in practice. CNDH operated without government or party interference, received adequate resources, and enjoyed the Government's cooperation. During the year, CNDH issued 46 recommendations, although nonbinding and without legal weight (see section 1.d.), which were directed towards government entities on aspects related to human rights violations for which they were deemed responsible. While some recommendations were accepted and implemented, others were rejected (see sections 1.a. and 1.c.).

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.—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 the state level, laws sanctioning domestic violence, if any, are weak. Seven states have not criminalized domestic violence, and 15 states sanction 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. The special federal prosecutor for crimes against women, Alicia Elena Perez Duarte, reported that 1,600 women were killed annually, mostly from domestic violence. On December 19, the Senate passed a comprehensive bill aimed at preventing violence against women, including prevention and assistance measures provided by all levels of government.

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 27,000 calls between January 1 and October 31, a dramatic increase since it was established in 2002. Although there were some government-funded shelters, civil society organizations and women rights groups maintained the vast majority of available shelters.

The law prohibits rape, including spousal rape, imposing penalties of up to 20 years. However, rape victims rarely filed complaints with police, due to seeing the widespread impunity for rape in the justice system. In February 2005 Special Rapporteur of the UN 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."

Other forms of violence against women within relationships were similarly widespread and unpunished. On October 10, the Attorney General's Office of the Federal District reported that on average it received 60 complaints of sexual violence per day.

During the May 3 confrontation between PFP and citizens in San Salvador Atenco, CNDH confirmed 26 reports of sexual violence that occurred during the police operation (see section 1.a. and 1.c.).

Gender-based violence in Ciudad Juarez and the state of Chihuahua, which have registered the unsolved killings of more than 350 women and young girls since 1993, continued with 18 killings of women registered in Ciudad Juarez during the year. Of the 17 cases opened to investigate the 18 killings, state authorities solved 12 cases, and the perpetrators were awaiting sentencing at year's end. According to the State Special Prosecutor's Office on Women's Homicides, the 18 women killed in Ciudad Juarez were not victims of sexual crimes, although approximately three quarters were victims of family violence in which the aggressor was a spouse, parent, or as in two cases, the victim's child.

David Meza, arrested in 2003 for the rape and murder of his cousin in Ciudad Juarez and tortured by police into confessing to the crime, was released on July 29, due to lack of evidence (see section 1.c.).

On December 12, the Fourth State Penal Court in Ciudad Juarez sentenced four men for the 2005 murder and rape of seven-year-old Airis Estrella Enriquez Pando. Luis Garcia Villalbazo was sentenced to 92 years' imprisonment for the murder and rape of Airis and the rape of three other girls; Eustacio Aleman Zendejas, Juan Manuel Alvarado Saenz, and Rogelio Sandoval Carrasco were sentenced to 40 years' imprisonment.

In January the PGR issued its final report from the Unit of the Special Prosecutor for the Attention to Crimes Related to the Homicides of Women in the Municipality

of Juarez, Chihuahua, drawing on much of the work by the state's attorney general. The report concluded that 379 women were killed between 1993 and 2005, of whom 345 had been identified. The report stated that 125 of the homicides (33 percent) occurred in the home of either the victim or perpetrator, and that "the great majority of the homicides were perpetrated by a person close to the victim's circle of family or affection." According to the report, 31.5 percent of the murders were attributed to social violence in a border area, including drug dependency, drug trafficking, high rates of crime, gang violence, and prostitution. Authorities arraigned 289 persons and sentenced 177; 21 were found not guilty; and 91 awaited trial. Of the 47 women the PGR determined missing, 13 were located (three of whom were dead). The report detailed the various types of incompetence and irregularities committed in the investigations by state authorities, although the responsible officials were not sanctioned. The Government established a fund of approximately $2.7 million (30 million pesos) to assist the victims' relatives. The Government also provided psychological, medical, and legal aid to relatives.

On November 8, the College of the North Border and the Commission to Prevent and Eradicate Violence Against Women in Ciudad Juarez presented publicly an academic study that categorized the nature of the murders of women from 1993 to 2005. By drawing from the cases of 442 murders of women, the study found that 28.5 percent were committed by a close male friend, boyfriend, or spouse; 33.9 percent involved sexual violence, entailing kidnap, torture, mutilation, and rape.

On February 17, the PGR appointed Alicia Elena Perez Duarte, a new special prosecutor with a nationwide mandate to examine the issue of violence against women.

While the killings in Ciudad Juarez drew international attention, violence against women remained a widespread phenomenon throughout the country. Special Prosecutor Perez Duarte reported that on an annual basis approximately 1,600 women were killed nationwide, mostly resulting from domestic violence. According to 2004 statistics, the rate of women homicide victims over age 15 was highest in the states of Nayarit (5.4 per 100,000 persons), Oaxaca (5.3), Mexico (4.8), Guerrero (4.7), Baja California (3.6), and Chihuahua (3.6). In August the UN Committee for the Elimination of Discrimination Against Women said that there were no visible results from government efforts to prevent gender violence.

Prostitution is legal for adults, and it continued to be practiced widely. While pimping and prostitution by 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. Apart from state laws against trafficking in persons, there are no specific laws against sex tourism, although federal law criminalizes corruption of minors, of which is punishable by five to 10 years' imprisonment. Trafficking in women and minors for prostitution remained a problem (see section 5, Trafficking).

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." While women earned less than men, the salary gap was decreasing. 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.

Labor law provides protection for pregnant women, which some employers reportedly sought to avoid by requiring pregnancy tests in pre-employment physicals and by continuing to make inquiries into a woman's reproductive status. In April 2005 INMUJERES and several other government agencies launched a national campaign to raise awareness of laws protecting women against pregnancy testing.

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 six and 14 attended school, but only 68 percent of all children entering the first grade completed all nine 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 UN Children's Fund (UNICEF) reported 98 to 99 percent immunization rates for one-year-old children.

Government statistics for 2000 (the most current available) recorded the following rates of reported violent treatment in the home: 28 percent of those aged six to nine, 9 percent of those aged 10 to 13, and 10 percent of those between 14 and 17.

Child marriage remained a problem. UNICEF reported in a 2003 survey that 28 percent of women 20 to 24 years of age had been married or in a union before the age of 18. In 2003, according to INEGI, 12 percent of men and 27 percent of women married between the ages of 15 and 19.

Trafficking in children for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Child labor was a problem, particularly among migrant farming families (see section 6.d.).

Trafficking in Persons.—While the law prohibits aspects of trafficking in persons, persons were trafficked to, from, or within the country, and there were credible reports that police, immigration, and customs officials were involved (see section 2.d.).

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. Although there were no reliable statistics on the extent of trafficking, 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. Undocumented migrants from Central America and the poor were most at risk for trafficking.

Often poor and uneducated, trafficking victims were promised employment, but once isolated from family and home, 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 fell prey to traffickers along the Guatemalan border, where the growing presence of gangs such as Mara Salvatrucha and Barrio 18 made the area especially dangerous for unaccompanied women and children migrating north.

While no federal law prohibits all forms of trafficking in persons, two states enacted antitrafficking legislation, and there are 21 different state and federal laws that criminally sanction certain aspects of trafficking. At the federal level, corruption of minors, child prostitution and child pornography are felonies; anyone convicted of a crime related to a minor under age 18 can be sentenced from five to 10 years' imprisonment. If the illicit activity involved a minor under 16 years of age, the sentence is increased by one third; if it involved a minor under 12 years of age, the sentence is increased by half. Persons who direct or facilitate the above illicit activity for purposes of financial gain may be imprisoned for six 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 (see section 6.c.). While Baja California Norte in 2005 became the first state to approve a law specifically to combat trafficking in persons, the state legislature had to rescind it due to alleged incompatibility with federal laws. Michoacan and Chihuahua passed state antitrafficking legislation in July and November, respectively.

The Government faced structural inefficiencies but made notable improvements in collecting data and fostering investigations, prosecutions, and convictions of trafficking cases. PFP and Save the Children entered into a formal collaborative relationship, which included a project to manage a Web-based database to track missing persons, including potential trafficking victims.

Authorities disrupted smuggling operations, which affected the movement of trafficking victims through the smuggling corridors, and arrested a number of suspected traffickers during the year. The Government pursued approximately eight trafficking cases, all of which were active at year's end. As a result, 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. Nonetheless, securing convictions remained a challenge for the Government.

On April 28, 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. The Carreto family filed a subsequent appeal, which was pending at years' end.

In April CNDH issued its first formal recommendation on trafficking, addressing the INM and Secretary of Labor in regard to a case involving two Chinese trafficking victims working in a Guanajuato factory. In following the recommendations, INM fined the company for activities unauthorized under the work visas granted. INM granted visas for the two victims to remain in the country, contingent on their assistance in a prosecution case.

On July 15, Jean Succar Kuri was extradited from the United States to Mexico on charges of corruption of minors and child pornography, among others. He was waiting trial in a Cancun jail at year's end.

Extradited from Thailand in August 2005, Thomas Frank White was detained in Puerto Vallarta, Jalisco, awaiting trial for corruption of minors and child prostitution.

The PFP, as the predominant federal law enforcement agency, is the new lead operational and coordinating agency for antitrafficking efforts. The INM, PGR, Center for Research on National Security, 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 four-hour module at its training academy. The Government also participated in international investigations of trafficking during the year.

There were credible reports that individual police, immigration, and customs officials participated in, facilitated, or condoned trafficking, primarily for money. Poorly paid frontline officials frequently extorted money from victims and traffickers.

In September 2005 a judge issued arrest warrants for seven INM agents in connection with their participation in a human smuggling ring; however, none were charged.

In September INM authorized the issuance of visas to trafficking victims to remain in the country, contingent upon their cooperation with law enforcement in prosecuting traffickers. By year's end, INM reported that it issued nine such visas to trafficking victims.

Several NGOs, including the Bilateral Safety Corridor Coalition, Casa Alianza, Fundacion Infantia, and Sin Fronteras, as well as IOM and ILO, assisted trafficking victims with prevention programs and protection services. However, NGOs had limited entry to INM detention centers (while CNDH enjoyed complete access). Although DIF operated shelters nationwide, the country lacked shelters exclusively dedicated to trafficking victims.

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 to build a network of trafficking victims' services and to identify potential trafficking victims. Bilateral cooperation against trafficking increased with programs to combat trafficking, increase protection for victims, and promote awareness.

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 May 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 two 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, problems remained. According to the Pan American Health Organization, no more than 25 percent of those with a mental illness received adequate treatment. The World Health Organization reported that psychiatric hospitals overused electroshock treatment. The Ministry of Health stated that it investigated claims of abuse and spent three million dollars (33 million pesos) in 2005 to improve mental health treatment in four states.

During the Presidential and congressional elections, the federal and state governments provided ballots, including ballots in Braille, ballot boxes, and a special ballot holder and marker for voters with vision and motor skill disabilities.

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 discrimination. In many cases their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources were negligible.

There were numerous allegations of the use of excessive force against indigenous people. During the year, the Government maintained troops in selected areas of Chiapas and Guerrero, which was a continuing point of concern for many NGOs and indigenous rights groups, who complained of intimidation and threats from soldiers. Federal forces were also dispatched to Oaxaca to help restore order and to Michoacan in a large-scale antinarcotics operation (see sections 1.a., 1.b., and 1.c.).

Sporadic outbursts of politically motivated violence continued to occur in indigenous communities in the states of Chiapas, Guerrero, and Oaxaca. Historic land disputes also caused tensions in the indigenous regions.

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's Office of the Fourth Inspector General investigated more than 1,800 complaints of violations of human rights among the indigenous population during the year, concluding that more than 400 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 (CONASIDA) 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. In April 2005 the Government launched a radio campaign to fight homophobia with material prepared by CONASIDA.

On November 9, the Mexico City legislative assembly passed a bill, later signed into law, which authorizes homo- and heterosexual couples to register their union with municipal authorities, according them inheritance and certain other rights normally accorded only to spouses.

There were several incidents of harassment and violent attacks against homosexuals. In the case of the June 2005 murder of Octavio Acuna, an activist for the rights of persons with HIV/AIDS, police arrested a minor on the charge of homicide;

he remained in juvenile detention awaiting his trial at year's end. The state Attorney General's office charged with the case, however, said that the investigation lacked any evidence that suggested the crime was connected to homophobia.

There were credible reports that police, immigration, and customs officials frequently violated the rights of undocumented migrants, including rape. Robbery and killings by the criminal gangs, such as the Mara Salvatrucha and Barrio 18, intensified on the southern border and spread northward. Undocumented migrants rarely filed charges in such cases because the authorities generally deported such persons who came to their attention.

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 43.6 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. 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. Representation elections are traditionally open, which means 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 resulted in intimidation of pro-union workers.

In late December 2005, Puebla labor rights activist Martin Barrios was jailed for two weeks after a local garment factory owner accused him of blackmail (see section 1.d.).

In February the Labor Secretariat withdrew the legal recognition (toma de nota) from Napoleon Gomez Urrutia, general secretary of the Mine and Metal Workers' Union, charging him with corruption, although no legal charges had been filed. The secretariat then recognized Elias Morales as the new general secretary. Gomez's attorneys argued that there was no basis in the law or the union statutes for withdrawing recognition, and two union congresses subsequently reaffirmed support for Gomez. His supporters called strikes at several key mines and steel mills around the country.

In an April 20 confrontation between striking workers and Michoacan state police, two union members were killed (see section 1.a.). Gomez fled to Canada after criminal charges were filed in the state courts of Sinaloa and San Luis Potosi alleging that he misallocated $55 million (605 million pesos) of union funds. In August the union workers and the Government negotiated a compromise, including a salary raise, which ended the 141-day strike.

The CNDH and human rights activists criticized the Government's treatment of undocumented immigrant workers. On June 25, CNDH issued a report concerning INM abuses of 19 undocumented migrants from Central America who were apprehended in Coahuila in April 2005. The abuses included the beating of one migrant and the order that all 19 remove their shoes and walk one mile to a waiting vehicle.

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. 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. 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. The NGO Human Rights Watch attributed the problem to the lack of independent unions that could negotiate strong and fair collective bargaining agreements.

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.

Forced labor by children was a problem (see section 6.d.).

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 five to 14 were involved in child labor activities.

The Secretariat of Labor (STPS) is charged with protecting worker rights. Government enforcement was reasonably effective at large and medium-sized companies, especially in the maquila 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 (see section 5). UNICEF stated that, despite the Government's progress in reducing its incidence over the past 10 years, child labor remained a significant problem.

It was not uncommon to find girls under the age of 15 working in prostitution. Trafficking in children for sexual exploitation was a problem (see section 5).

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: $4.46 (49 pesos) in Zone A (Baja California, Federal District, State of Mexico, and large cities); $4.28 (47 pesos) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and $4.19 (46 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. STPS is charged with protecting worker rights, including minimum wage provisions in the law, and it did so effectively.

The law sets six eight-hour days as the legal workweek. Any work over eight hours in a day is considered overtime for which a worker receives double the hourly wage. After accumulating nine 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 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 February 19, 65 miners died in an explosion at the Pasta de Conchos mine in Sabinas, Coahuila. A CNDH investigation found fault with the Government's inspection procedures and the employer's efforts to meet safety standards. The congressional commission determined that no conclusions could be drawn concerning culpability or the cause of the incident. Commission members from the PRD and Workers' Party issued a dissenting report that laid blame on both the Government and employer. At year's end, the Coahuila attorney general was investigating the employees of the mining company and local employees of STPS on charges of negligence for failure to ensure safe working conditions at the Pasta de Conchos mine. At year's end, at least three other investigations related to this mining accident were still ongoing.

NICARAGUA

Nicaragua is a constitutional democracy with a population of approximately 5.4 million. The Presidential term of Enrique Bolanos Geyer, who ran as the candidate of the Liberal Constitutionalist Party (PLC), was to expire in January 2007. On November 5, Sandinista National Liberation Front (FSLN) Presidential candidate Daniel Ortega was elected in generally free and fair elections and was to assume office on January 10, 2007. While civilian authorities generally maintained effective con-

trol of the security forces, there were some cases of human rights abuses reported involving the police.

The most significant human rights abuses during the year included harsh prison conditions; widespread corruption and politicization of the judiciary, the Supreme Electoral Council (CSE), and other government organs; harassment and abuse of journalists; ineffectiveness, corruption, and politicization of the Office of Human Rights Ombudsman (PDDH); domestic violence; abuse and exploitation of women; violence against children; widespread child labor; and violation of worker rights in free trade zones.

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. Police received a number of allegations from nongovernmental organizations (NGOs), the media, and private citizens of unlawful killings or excessive use of force by police officers. Although the courts rarely found officers guilty of wrongdoing, 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.

During the year the IG investigated allegations of police abuses and remanded to the courts for review 41 cases in which police allegedly used excessive force. As of year's end the courts had not rendered decisions on any of these cases.

On May 31, district court judges sentenced Byron Leonel Canteno, the personal driver of Managua Police Chief Carlos Bendana, and Lenin Alberto Calderon, the son of William Calderon, a close personal advisor to Police Chief Bendana, to 18 years in prison for the March 28 killing of nightclub owner Jeronimo Polanco. Police investigations revealed that the pistol used to kill Polanco belonged to Chief Bendana. Several days later Police Commissioner Edwin Cordero and other senior officials agreed to suspend Bendana, but shortly afterwards Cordero rescinded that decision. On September 29, Aminta Granera ordered Bendana to retire based on suspicion of corruption, bribery, and obstruction of justice. At year's end there was no further investigation regarding Calderon (see section 1.d.).

In September 2005 police officers Francisco Javier Gonzalez and Mayra Ines Altamirano were cleared of all charges in connection with the killing of three squatters in a February 2005 land occupation confrontation near Chinandega.

On August 28, former police officer Delvin Jiron was sentenced to 30 years in prison for the 2004 killings of four police officers at the police station in Bluefields. In October the Bluefields Appellate Court added seven years to Jiron's sentence.

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 IG reported 35 cases of injuries inflicted on criminal suspects by police during the arrest process (see section 1.d.), in comparison with 79 cases reported during the same period in 2005. In addition, the IG reported that during the year it had received from detainees 536 complaints of human rights violations by police officers, 70 of which were found to have merit. Most cases were related to excessive use of force and unnecessary use of weapons. The IG's office punished 177 officers for violating human rights through dishonorable discharges, demotions, and other measures.

In November a Cuban detainee who escaped from the immigration detention center in Managua alleged that while in detention, he witnessed immigration officers and senior immigration officials engaged in bribery for special privileges, extortion, and prolonged detention without access to legal counsel. He also alleged that female detainees could avoid deportation or obtain early release in exchange for sexual favors provided to immigration officials. At the end of the year there was no information available regarding a police investigation of the matter.

By year's end a court found Leonel Duarte Sequeira, who was dishonorably discharged in 2005 from the Nicaraguan National Police (PNN) for raping a fellow officer in May 2005, not guilty of any wrongdoing.

Prison and Prison Detention Center Conditions.—Prison conditions remained harsh. A study conducted by the Government's National Penitentiary System (SPN) reported that the prison population increased by 6 percent during the first half of the year. According to government statistics, through December there were 6,060 inmates in prisons designed to hold 4,567 prisoners. Some prisons and police holding cells were significantly overcrowded and lacked proper sanitation. The Bluefields prison held 100 inmates in a prison designed to hold 40 prisoners.

The prison system remained underfunded and continued to lack adequate medical supplies. For the country's nine penitentiaries and 6,060 prisoners, the authorities maintained a staff of 28 medical specialists. Prison authorities reported that 30 percent of prisoners slept on metal bunks or mattresses directly on floors. The SPN reported that for each of 511 prisoners with serious mental and physical illnesses, the prison system had an average budget of only $0.18 (three cordobas) per month to purchase medicine.

The SPN study also reported that the quality of prison food remained poor, and malnutrition remained a problem in local jails and police holding cells. 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, and had inadequate electric and sewage systems. Holding cells were poorly ventilated, unhygienic, and overcrowded. Suspects regularly were left in holding cells during their trials because budgetary shortfalls restricted the use of fuel for transfers to distant courtrooms.

On January 23, seven inmates at the Modelo Prison in Tipitapa attacked and held hostage a guard, took his keys, and opened the cells of three rival gang members whom they beat severely. The seven inmates also demanded better living conditions and access to medicine. After four hours of failed negotiations, counterterrorism police troops discharged 15 sound bombs and rubber bullets to subdue the prisoners and rescue the prison guard and the beaten prisoners. Police investigated the incident and submitted the case to the prosecutor's office, which charged the prisoners with disorderly conduct. At year's end the court had not made a ruling regarding the case.

The Bluefields prison, which the general director of the penitentiary system characterized as "obsolete, deplorable, and inhuman," had two showers and four toilets for approximately 100 prisoners and was designed to hold 40 inmates. The authorities occasionally released detainees when they could no longer feed them. During the year two inmates died, one from an apparent suicide and the other from a long-term illness.

In March a women's prison with capacity for 60 inmates was completed in the department of Esteli, making it the second all-female prison in the country along with the women's prison in Managua. Elsewhere, women were held in separate wings of prison facilities and were guarded by female custodians. Although juveniles were generally held in prison wings separate from adults, in March SPN opened a small detention facility for juveniles, which employed a social worker, a psychologist, and a sociologist.

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.

Role of the Police and Security Apparatus.—The PNN is a single, unified force responsible for law enforcement throughout the country and is controlled by the Ministry of government. There were 9,410 officers and civilian personnel in the PNN and 1,866 voluntary police, who filled staffing gaps in some areas. Through December the IG reported 18 complaints involving 34 members of the voluntary police, of whom 11 were punished.

Under the joint control of the PNN and the municipal governments, municipal police are trained by the PNN, but their equipment and salaries are paid by the local governments. Municipal police are charged with protecting public property that is directly controlled by the municipality, and they have legal authority to arrest and detain suspects.

Inadequate budget support, including low salaries, for the PNN hampered efforts to improve police performance and resulted in a continuing shortage of officers. The army provided limited support in rural areas, primarily to support counternarcotics efforts. Problems and rivalries between the PNN and the army undermined operational efficiency. Although the IG investigated and remanded to the court system or punished through internal administrative measures cases involving lower-level officers, corruption and impunity continued to be a problem at senior levels within the police force.

In August an M&R poll revealed that only 15 percent of respondents expressed a high degree of confidence in the police, and only 34 percent expressed a high degree of confidence in the military. Approximately 32 percent of respondents perceived police corruption as a serious problem.

Police Commissioner Aminta Granera forced the retirement of three senior police officials—the Managua police chief, the head of the national drug unit, and the head

of the judicial police—based on suspicion of corruption, bribery, and obstruction of justice (see section 1.a.).

Police trainees are required to receive human rights instruction to graduate from the police academy and become officers, and police officers must be recertified in human rights annually. Police reported that during the year many officers completed training focusing on attitude change that addressed protection of individual human rights. The army included human rights training in its core training curriculum (see section 4).

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 accused released or transferred to jail. Few prisoners were held illegally beyond the 48-hour deadline (see section 1.c.). After the initial 48 hours, the suspect has access to bail, visits from family members, and legal representation. The IG investigated 127 reported cases of arbitrary detention and took administrative action against 69 officers responsible in accordance with police disciplinary regulations.

Statistics from the NPS indicated that the number of pretrial detainees increased during the year, with approximately 21 percent of prisoners awaiting final verdicts, compared with 16 percent in 2005.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and politicization. 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.

The PLC and FSLN continued to manipulate the judiciary, with the FSLN utilizing its political control of the judiciary to impede the resolution of property claims. By year's end the property appeals court had not effectively resolved approximately 1,000 outstanding property claims. Many trial courts continued to render controversial judgments in cases involving alleged drug traffickers. Appellate courts and the Supreme Court of Justice (CSJ) overturned convictions of persons found guilty of drug trafficking and other defendants with ties to organized crime.

While civil and criminal courts continued to expedite the judicial process for those in prison awaiting a final verdict, human rights and lawyers' groups continued to complain about the delay of justice caused by judicial inaction.

In June and August Judge Ivania McCrea signed releases for two convicted narcotraffickers from Bluefields prison on the grounds that they suffered from hemorrhoids and hypertension. According to media reports, however, the Bluefield's prosecutor prevented the release of the two narcotraffickers.

On September 26, FSLN Deputy Chief Justice of the CSJ Rafael Solis appointed 10 judges to the trial bench. He acknowledged that he made these appointments in violation of the provisions of the Judicial Career Law.

On October 17, pursuant to a search warrant, police seized firearms from the residence of Juan Carlos Lanuza, who claimed the weapons belonged to Nestor Moncada Lau, a former member of the Sandinista state security force in the 1980s. At a preliminary hearing on October 20, Judge Maria Concepcion Ugarte, who had issued the search warrant, dismissed the charges against Lanuza on grounds of alleged incongruities in the timing of the operation and procedural discrepancies by the police and prosecution.

Former President Arnoldo Aleman, convicted in 2003 of money laundering, fraud, and corruption, remained on medical parole following a court decision to release him from house arrest in September 2005.

The judicial system comprises both civil and military courts. The 16-member CSJ is the system's highest court, administers the judicial system, and nominates all appellate and lower court judges. The CSJ 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 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 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 to the party with more influence over the judge rather than face the prospect of detention in jail. This civil-based criminal caseload diverted resources from an overburdened prosecutor's office.

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

Civil Judicial Procedures and Remedies.—The law provides that persons can bring 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 enforcing domestic court orders. The system was subject to corruption; citizens often paid bribes to judicial officials to expedite their cases.

f. Arbitrary Interference with Privacy, Family 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.—Although the constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice, several constitutional provisions potentially qualify freedom of the press. The constitution stipulates that citizens have the right to accurate information, which means that the Government could abridge information that the Government deems inaccurate. Although the right to information cannot be subject to censorship, the law establishes a retroactive liability, implying the potential for sanctions against the press. During the year the Government did not invoke these provisions to suppress the media.

In December the National Assembly overrode a Presidential veto and passed the Organic Law, which includes an article empowering commissions of the National Assembly to subpoena any resident for any reason deemed necessary by the commission. Persons failing to comply with a request are subject to between one and three years' imprisonment. NGOs complained that the law represented a substantial threat to freedom of speech and press.

Journalists asserted that it remained extremely difficult to produce balanced, nonpartisan media content, because political interests owned or directly financed most radio and television stations. The Presidential election campaign during the year further contributed to a sharp narrowing of space for independent journalism. A number of station owners pressured journalists to sell advertisement space to their candidate or to party-affiliated businesses.

On January 4, CSJ Justice Rogers Camilo Arguello sent a letter to the National Assembly waiving his right to immunity and also publicly apologized to journalist Eloisa Ibarra for his December 2005 verbal attack on Ibarra for questioning him about alleged involvement in embezzling $609,000 (10.44 million cordobas) of drug money the court had seized in 2004. On January 16, Ibarra filed a criminal complaint against Arguello for slander, but on February 20, the case was dismissed on appeal. The President of the Nicaraguan Journalists Union criticized the dismissal, alleging that it demonstrated unwillingness by the courts to protect journalists from harassment.

On February 23, the FSLN mayor of Granada, Alvaro Chamorro Mora, and approximately 200 supporters blocked the entrance to La Prensa, demanding that the newspaper stop publishing articles from correspondent Arlen Cerda regarding alleged irregularities in the Granada municipal government. On February 28, while Cerda and photographer Guillermo Flores covered a meeting of the Granada City Council, a number of people surrounding the mayor verbally insulted Cerda and tried to assault Flores as he was filming them. The Inter American Press Association condemned the Granada mayor's harassment of La Prensa and its journalists and called on government authorities to guarantee press freedom.

On two occasions in April unidentified persons in unmarked cars stopped El Nuevo Diaro journalist Heberto Rodriguez and threatened him with a gun (see section 4). Between January and March Rodriguez had published several articles reporting financial abuses and corruption concerning Human Rights Ombudsman Omar Cabezas.

On August 24, the station owner of Univision affiliate Canal 10 cancelled the airing of a prerecorded interview between correspondent Tifani Roberts and Zoilamerica Narvaez, regarding Narvaez's sex abuse lawsuit against her stepfather Daniel Ortega, because the station owner had reportedly received death threats (see section 5).

On October 24, journalists Miguel Figueroa Rugama, Famnuel Ubeda Henriquez, and Leonidas Rodriguez of Esteli Vision Radio 94.9 FM received death threats from a group of FSLN supporters while covering a preelection Ortega campaign caravan. The journalists filed a complaint with the SEC, the public prosecutor, and the Public Ministry. At year's end there were no developments regarding any investigation of the matter.

In November FSLN supporters beat and forcibly removed Canal 2 reporter Martha Irene Sanchez as she attempted to approach a stage where Daniel Ortega was speaking during the FSLN's Presidential campaign closing rally in Matagalpa.

On November 9, the CSJ upheld the 25-year sentence of Eugenio Hernandez, under appeal since March 2005, for the 2004 killing of La Prensa journalist Maria Jose Bravo Sanchez.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chartrooms. 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.—Freedom of Assembly.—The law recognizes the right to public assembly, demonstration, and mobilization in conformity with the law and requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police.

On September 30, following the breakdown of three weeks of labor negotiations with company management, employees of the Arrocera Altamira company took over the company and blocked the main access roads (see section 6). Ten police and three workers were injured, and 14 workers were detained when police reopened the roads. Police released five suspects and filed charges against the remaining nine workers for crimes against a governmental authority and its agents. The IG's investigation found that the police officers had not committed any offense.

Freedom of Association.—The law provides for the right to organize or affiliate with political parties, and the Government generally respected this right in practice. Private associations do not have legal status to conduct private fundraising or receive public financial support until they receive authorization from the National Assembly.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

All religious organizations, regardless of denomination, are required to register for legal standing. The Government's requirements for legal recognition of a church are similar to its requirements for other private associations (see section 2.b.). A church must apply for legal standing, which the National Assembly must approve. Following approval, a church must register with the Ministry of 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 missionary 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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement within the country and freedom to travel and emigrate abroad, and the Government generally respected these rights in practice. 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.

Statutory provisions prohibit 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.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 they feared persecution. There was no information available on the number people granted refugee status or asylum by the Government 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.—On November 22, the CSE declared Daniel Ortega of the FSLN the winner in the Presidential elections with 38 percent of the popular vote in elections described by international observers as generally free and fair. Ortega's victory was facilitated by a 1999 legislative change that lowered the minimum threshold for a first-round victory from 45 percent to 35 percent. Tens of thousands of persons were precluded from voting in the Presidential elections because the CSE delayed the printing and distribution of voter identification documents. In simultaneous legislative elections, the FSLN won 38 deputy seats, the PLC 25, the Nicaraguan Liberal Alliance (ALN) 22, and the Sandinista Renewal Movement five.

There were 22 women in the 90-seat National Assembly, four women on the 16-member CSJ, and two female ministers of the 12 cabinet-level posts. No specific National Assembly seats were set aside for women or minorities. As a result of the November 5 election, women were elected to 24 out of 92 seats in the National Assembly.

Government Corruption and Transparency.—There was widespread public perception of corruption and political deal making in many government institutions, including the judiciary, the National Assembly, the CSE, the Office of the Controller General, the PDDH, and the Office of the National Prosecutor (see section 1.e.). The law does not specify particular corruptive practices or make it a crime to cause monetary damage to the state.

On September 21, the five-year statute of limitations expired in a criminal case involving then solicitor general for property Denis Maltez's 2001 forgery of official government documents and theft of government funds through the undervaluation of $120,000 (2.04 million cordobas) of government property. Maltez's undervaluing of the property circumvented a legally mandated National Assembly vote and facilitated his donation of the property to an NGO operated by then first lady Maria Flores de Aleman. In September, after the expiration of the statute of limitations for the case, the CSJ appointed Maltez as a magistrate for the National Property Court, giving him immunity from prosecution.

There was evidence of pervasive corruption in immigration services. In October the Attorney General opened a criminal investigation, resulting in the reported suspension of the Director of Immigration Services Fausto Carcabelos for facilitating the illegal entrance into the country of more than 100 immigrants from various countries, authorizing the release of illegal immigrants from custody, and conspiring to embezzle more than $600,000 (10,020,000 cordobas) from an immigrant repatriation fund. An investigation in November revealed that Carcabelos was involved in widespread trafficking of falsified visas involving several of the country's embassies and consulates. On December 11, President Bolanos reinstated Carcabelos as director of immigration services, alleging a lack of progress in the investigation.

Although the constitution provides for public access to government information, no law defines a mechanism for the transmission of the information. There were no formal procedures for requesting information, explaining why access to information was denied, or appealing the denial of a request for access. In practice the Government sometimes provided such access for citizens and noncitizens.

Section 4. Governmental Attitude 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 cooperative and responsive to their views with some exceptions.

The NGO Permanent Human Rights Commission of Nicaragua (CPDH) alleged discrimination by the CSJ and CSE due to CPDH's involvement in a human rights lawsuit brought in June by members of the Miskito indigenous community against

several former Sandinista government officials (see section 5). CPDH reported that the CSJ refused to certify Miskito witness testimonies for an October hearing before the Inter-American Commission on Human Rights (IACHR) and that the CSE refused to accredit CPDH's electoral observers for the November Presidential elections. CPDH reported that police authorities did not investigate anonymous death threats that CPDH staff and their families received throughout the year.

The autonomous, government-financed PDDH suffered from financial problems, politicization, and loss of credibility among civil society and was not effective. In March the media produced evidence that Human Rights Ombudsman Omar Cabezas used nearly $3,000 (51,000 cordobas) in PDDH funds to pay his personal assistant's medical bills. In July the comptroller opened an investigation of the PDDH for mismanagement of public funds, but as of year's end the PDDH had not complied with the comptroller's requests for documents. During the year the ombudsman did not publish any reports related to human rights violations.

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

Although the law prohibits discrimination on the basis of race, gender, disability, language, or social status, in practice the Government made little effort to enforce it. Few discrimination suits or formal complaints were filed with government officials.

Women.—The most prevalent violations of women's rights involved domestic and sexual violence, including spousal abuse, which was widespread and underreported. The law criminalizes domestic violence and provides up to six years' imprisonment for those found guilty. The law provides for the issuance of restraining orders for women who fear for their safety.

According to police statistics, 30,000 crimes against women were reported during the first six months of the year compared with 32,000 reported for 2005, an increase of approximately 88 percent. There was no information available for the second half of the year. More than 50 percent of complaints involved domestic violence, and more than 30 percent of crimes registered with the police were sex crimes. Police stated that an unknown proportion of the increase resulted from initiatives by police and NGOs to increase public awareness of family violence (see section 5).

Between January and June the Ministry of Family reported a 58 percent increase in the number of sex abuse cases it handled. The NGO Nicaraguan Center for Human Rights (CENIDH) received 216 complaints of domestic violence in the first six months of the year compared with 197 for 2005. The NGO Network of Women Against Violence reported that 63 women were killed during the year due to domestic violence, estimated that 60 percent of the country's women had suffered some kind of violence, and also reported that only 3 percent of cases of violent crimes against women were prosecuted.

Although laws specifically criminalize intrafamily violence, studies released during the year by the Spanish Agency for Cooperation and the NGO Ixchen indicated that the law was rarely enforced. Although the law forbids mediation in intrafamily violence cases, the SAC study reported that authorities referred 57 of the gravest abuse cases to mediation.

The law criminalizes rape. While the law does not treat spousal rape as a separate category, the law covers all forms of rape, regardless of the relationship between the victim and the accused. Women can seek to have the law against rape applied against spouses who have sexually assaulted them. The PNN reported receiving 1,066 rape complaints between January and October, compared with 1,212 reported rape complaints in 2005. Many women were reluctant to report abuse or file charges due to the social stigma attached to rape. NGOs asserted that the law against rape was not effectively enforced.

In September Police Commissioner Aminta Granera announced a "Break the Silence" campaign to raise public awareness about intrafamily violence, and help victims of domestic abuse identify themselves as crime victims and denounce perpetrators. According to the PNN, the campaign trained 5,914 persons to provide victim support. With the assistance of police, civil society, and educational institutions it also undertook approximately 1,400 awareness-raising educational and media information activities. Media and NGO sources reported that although the campaign and related efforts encouraged more women to speak out about abuse situations, leading to an increase in reported cases, the actual number of cases of violence and abuse remained underreported.

During the year the number of women's commissariats increased from 23 to 27. The commissariats trained 2,080 students, teachers, and police on identifying and handling domestic violence situations through 60 workshops. The commissariats also facilitated 129 discussions on related topics involving more than 4,500 persons. The commissariats provided social and legal help to women, mediated spousal con-

flicts, investigated and helped prosecute criminal complaints, and referred victims to other governmental and nongovernmental assistance agencies. As of September 32,165 women had sought help from the commissariats, and 10,964 of them had pressed charges against their alleged abusers, an increase of 38 percent from 2005.

There was no resolution by the IACHR of 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 elect Daniel Ortega (see section 2.a.). In May Narvaez petitioned CPDH and the IACHR to assist in reviving her case. The IACHR agreed to hear the case in October but postponed and later canceled the hearing. By year's end the IACHR had not issued a ruling in the case.

Prostitution is legal for persons 14 years of age and older, but the law prohibits its promotion, including procurement. Prostitution was common, and in Managua most prostitutes worked on the streets or in nightclubs and bars or offered sexual services in massage parlors. According to the PNN there were no reported cases of sex tourism during the year. The National Assembly approved a law criminalizing sex tourism, imposing a penalty of five to seven years' imprisonment for convicted offenders.

The law prohibits sexual harassment, and those convicted face between one and three years' imprisonment, or between three and five years' imprisonment where the victim is under 18 years old. During the year police reported 298 cases, and the PDDH reported 278 cases, of sexual harassment. 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 PDDH and the Nicaraguan Women's Institute (Instituto Nicaraguense de la Mujer) are the two principal government entities charged with ensuring the legal rights of women. In addition, the PNN's Office of the Superintendent of Women is responsible for enforcing the law to protect women. According to women's advocacy NGOs, the office was the most effective advocate available on behalf of women. Under the law, women enjoy the same rights as men, including with regard to family and property matters.

While the Ministry of Family established shelters for children, there were no government-operated shelters dedicated for women victims of violence and other forms of abuse. The Network of Women Against Violence operated the only three shelters in the country that were set up to assist women.

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.

The law provides for free and compulsory education through the sixth grade. Although some schools continued to require that students pay voluntary fees for registration, exams, and other services, by year's end the Ministry of Education, Culture, and Sports (MECD) reported that these fees had been eliminated in 90 percent of primary schools. According to MECD statistics approximately 800,000 school-age children did not attend school. Pan American Health Organization (PAHO) 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 six years of age was illiterate, especially on the Atlantic Coast. According to a report released during the year by the Nicaraguan Coordinator of NGOs Working with Children and Adolescence (CODENI), although nationwide 66 percent of enrolled children finished primary school, on the Atlantic Coast and in the Central Region, children completed on the average only 2.1 and 2.7 years of schooling, respectively.

PAHO reported that 20 percent of children under the age of five suffered from chronic malnutrition. Approximately 25 percent of children did not receive adequate medical treatment. Although medical care was often limited, boys and girls had 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. Between January and October police reported approximately 1,322 cases of physical and sexual assault, statutory rape, and incest against minors. Additionally police reported that 736 minors between 13 and 17 years and 1,230 minors under 13 were rape victims compared with 639 and 219, respectively, throughout 2005. NGOs held that the increase in numbers reported reflected a greater willingness among mothers to report domestic violence. Government statistics showed that during the year, 82 minors between 13 and 17 years old died as result of violent crimes. The PNN estimated that 10 percent of these victims were younger than 13.

Child prostitution remained a problem. The law permits juveniles 14 years of age or older to engage in prostitution (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

Trafficking in Persons.—The law states that recruiting or enrolling victims for the purpose of prostitution, within or outside the country, constitutes trafficking. There were no official statistics regarding the scope of trafficking in the country during year. NGOs reported that persons were trafficked to, from, or within the country.

The country was a source for women and children trafficked for sexual exploitation, with Costa Rica and Guatemala the primary destinations for victims. Victims were also trafficked to Canada, the United States, and El Salvador. Persons trafficked from the country to foreign destinations usually were women and girls from poor neighborhoods in urban areas; recruited ostensibly as domestic servants, nannies, and waitresses; and then forced to work as prostitutes in the countries of destination. Between January and June the Ministry of Family repatriated 23 trafficking victims from El Salvador, Costa Rica, Guatemala, Mexico, and the United States. The PNN, army, and immigration authorities confirmed media reports that young men from southern border areas were trafficked to Costa Rica for labor exploitation.

Trafficking within the country usually involved poor rural women and girls 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 PNN and media reports, the victims of external trafficking were often approached by acquaintances who offered lucrative job offers in neighboring countries.

NGOs reported that many victims were trafficked using legal migration procedures. Traffickers sometimes utilized the minimal documentation requirements within the C–4 countries of El Salvador, Guatemala, Nicaragua, and Honduras to transport Nicaraguan trafficking victims. Traffickers also took advantage of the low price of falsified immigration documents to move victims through the country. Unlike in the previous year, NGOs indicated that there were no reports of trafficking of victims through smuggling by boat across the Gulf of Fonseca to Honduras and El Salvador.

Trafficking carries a sentence of between four 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.

During the year the Government initiated seven trafficking investigations and closed down businesses where minors were sexually exploited. Many victims remained unwilling to assist in investigations or prosecutions. According to a report released by the PNN in November, traffickers were rarely detained or prosecuted.

Between January and September the Ministry of Family coordinated with the Salvadoran Institute for the Integral Development of Childhood and Adolescence to return three girls victimized by traffickers in El Salvador. The NGO Casa Alianza reported that it had information about eight cases of trafficking during the year. Seven of these cases involved children. In one of the cases a trafficker in Chinandega was sentenced. Another case was closed due to lack of evidence. A third case was ongoing at the end of the year. The Government was not able to provide complete information on the number of persons prosecuted or convicted for trafficking during the year.

The Ministry of Family and Ministry of government collaborated with civil society organizations to launch a public awareness campaign to prevent trafficking in persons. The ministries designated an emergency 24-hour hot line staffed by social workers, lawyers, and healthcare workers to encourage reporting of trafficking incidents, and they provided a vehicle to bring victims to safety. By year's end there were reports that the hot line service was not fully operational and that transportation was often not available.

The Ministry of government has primary responsibility for combating trafficking through its antitrafficking liaison office, which coordinates efforts with 16 ministries and autonomous government agencies as well as with national and international organizations. The Government worked with the International Organization for Migration and the NGO Save the Children on investigations of trafficking cases. By law the Government is not authorized to extradite its own citizens, regardless of the crime.

The women's commissariats investigate abuse against women and children, including trafficking allegations (see section 5). The Ministry of government is in charge of the National Coalition Against Trafficking in Persons, and the Office of the National Prosecutor is charged with prosecuting trafficking cases.

The Ministry of government continued its awareness and capacity-building activities throughout the country and held an education program in Granada with the Ministry of Tourism to train hotel owners and taxi drivers to encourage zero tolerance of commercial sexual exploitation of children.

The Ministry of government reported that during the year the PNN had increased its efforts to combat and prevent trafficking in persons by disrupting operations, increasing police presence, and targeting massage parlors, nightclubs, and other suspected areas of trafficking activity.

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 in the provision of state services. The Government did not effectively enforce the law with regard to protection of persons with disabilities. The Government had not legislated or otherwise mandated accessibility to buildings for persons with disabilities.

According to the Ministry of Education, 926 schools offered integrated educational programs to approximately 5,000 children with special needs compared with 2,500 in 2005. However, only 65 students with disabilities were enrolled in regular secondary programs.

According to the Nicaraguan Institute of Statistics and Census, 10.25 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 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 Northern and Southern Autonomous Atlantic Regions (RAAN and RAAS) sometimes attributed the Government's lack of resources devoted to the Atlantic Coast to discriminatory attitudes toward ethnic, racial, and religious minorities that predominate in those regions. In contrast with the rest of the country, the regions' racial makeup tended to be black and Amerindian. Its religious composition was principally Protestant.

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.

In March the political party of the indigenous Miskito community, Yatama, won 13 and six seats in the regional parliamentary elections in the RAAN and RAAS, respectively. On March 14, Yatama supporters took over the airport, and the office of the Regional Electoral Council (CER) in Bilwi and blocked the major east-west road in the RAAN when the CER initially awarded the party only 12 of the 13 seats earned in the election.

In June CPDH filed a lawsuit with the CSJ 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 taken 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. In October CPDH presented the case before the IACHR (see section 4).

By year's end the Government had not paid an $80,000 (1.36 million cordobas) penalty imposed by the IACHR to be paid to Yatama before December 31. The penalty was imposed pursuant to the commission's July 2005 ruling against the CSE's decision to prohibit Yatama from participating in the 2000 elections.

In September the Mayangna indigenous community of Musawas in the RAAN became the first indigenous group to complete the registration process required by the National Commission of Demarcation and Titling to demarcate, title, and register their territory. On the Atlantic Coast there were 17 indigenous territories seeking formal demarcation, titling, and registration.

Although the law requires that the Government consult indigenous people regarding the exploitation of their areas' resources, as in previous years some indigenous groups and organizations, including Yatama, 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 groups regularly

complained to the Government, media, and NGOs that the Government made no effort to invest in infrastructure for the benefit of those who lived in those regions.

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 inaccessible for many communities. The rates of unemployment, illiteracy, and absenteeism of school-age children were among the highest in the country. Most of the indigenous population on the Atlantic Coast was engaged in subsistence fishing, farming, and mining.

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 homosexual acts with a penalty of between one and three years' imprisonment, but this prohibition was not enforced.

The law provides specific protections for persons with HIV/AIDS against employment and health services discrimination. During the year there were no reports of police or other authorities perpetrating or condoning violence against persons based on sexual orientation or HIV/AIDS status, and there were no reliable statistics on the extent of societal discrimination based on sexual orientation or HIV/AIDS status. The Government undertook minimal effort to address discrimination based on sexual orientation or HIV/AIDS status.

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.

b. The Right To Organize and Bargain Collectively.—The law provides for the right to bargain collectively. A collective bargaining agreement cannot exceed two years and is automatically renewed if neither party requests its revision. While the Government protected this right, in practice it 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. The possible existence of more than one union at a place of employment means that 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.

Although the law recognizes the right to strike, according to labor ministry information, there were no legal strikes during the year. The law 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.

On September 30, following the breakdown of three weeks of labor negotiations with company management, employees of the Arrocera Altamira company began a strike, took over the company and blocked access roads. The strike was declared illegal and the police entered the facility to restore order. As a result of these actions, police arrested nine workers. The IG reported that the police released the arrested workers without pressing charges shortly after order had been restored (see section 2.b).

There were repeated allegations of violations of the right to organize, especially in the free trade zones (FTZ), where employers fired or harassed employees who were trying to form unions. Labor organizers reported that these incidents increased in the FTZs after the country implemented legislation for the Central America Free Trade Agreement in April.

There were credible reports that the Ministry of Labor issued registrations to employer-backed unions within a few days while delaying issuance of registrations to independent employee unions for months. The ministry also reportedly failed to take corrective action for labor violations reported by its inspectors, favored employers

in union disputes, and revealed the names of union leaders to employers, facilitating the leaders' dismissal. There were no statistics available, however, to document these patterns.

Between June and August the FTZ garment factory Atlantics fired 26 workers affiliated with a union formed in June. The company rehired six of the workers on condition that they sign contracts prohibiting them from labor organizing. Following an appeal brought by the union, on August 31, the Ministry of Labor ordered the factory to "unfire" the workers, issuing a return to work resolution. On September 1, the factory appealed the decision claiming the ministry lacked legal authority to reinstate the workers. On September 12, the ministry upheld the September 1 appeal by the employer without notifying the union of the ministry's reversal of the August 31 order.

In August the Ministry of Labor reversed a reinstatement order on appeal regarding the firing of workers at the FTZ garment factory Calypso Apparel. On September 20, the Ministry of Labor referred the Atlantics and Calypso Apparel cases, along with a similar dispute at KB Manufacturing, where 35 union organizers were fired, to the Labor Issues Commission in the National Assembly. In October a special subcommission convened to negotiate agreements with Atlantics and Calypso Apparel by which the workers were reinstated. At year's end the National Assembly had not negotiated a reversal of the firing of the union organizers at KB Manufacturing.

By year's end the FTZ garment factory Mil Colores had fulfilled most of its outstanding financial obligations, including providing severance payments to workers fired in 2004.

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 35 different union organizations associated with five labor confederations, less than 10 percent of FTZ workers were union members. A number of these unions 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 (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—Whereas 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 study published during the year by the National Survey of Adolescent and Child Labor (ENTIA), the number of working children under the age of 18 had declined by more than 5 percent since the year 2000 to approximately 239,000, of which approximately 36 percent were under the age of 14. A study by the International Labor Organization reported that more than 25,000 children worked as domestic employees.

ENTIA statistics revealed that child labor occurred in both urban and rural areas and that 76 percent of children were employed in the informal sector. More than 60 percent did not receive direct compensation for their labor, working instead for a family venture or goods in kind. More than 135,000 children worked in agriculture, forestry, fishing, and hunting, with the majority working in coffee plantations or at a subsistence level to support their families. Approximately 22 percent worked in restaurants, hotels, and other commercial businesses. The incidence of children engaged in garbage scavenging, street vending, and prostitution continued to be a serious problem in urban areas (see section 5).

The labor law sets the minimum age for employment at 14 years and limits the workday to six 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, rules controlling child labor rarely were enforced except in the small formal sector.

The National Commission on Child Labor, which includes government ministries, local and international NGOs, and the private sector, continued its campaign to raise awareness about the problem of child labor and its social implications for the country over time. The Ministry of Labor is responsible for enforcing child labor laws, but the Government did not allocate adequate resources to enable the ministry to perform its duties effectively.

e. Acceptable Conditions of Work.—The statutory minimum wage is set through tripartite negotiations involving business, government, and labor and must be approved by the National Assembly. Each key sector of the economy has a different minimum wage, which must be reviewed every six months. A new minimum wage scale took effect on March 2, ranging from $50 (869 cordobas) in the agricultural sector to $117 (2018 cordobas) in the financial sector. A Central Bank comparison

at the time of the minimum wage increase revealed that average wages in six of the 10 key sectors were above the minimum wage. Agricultural and fisheries workers, however, earned an average of only 30 and 19 percent, respectively, of the mandated monthly salary. In general the minimum wage was enforced only in the formal sector. The national minimum wage did not provide a decent standard of living for a worker and family. In every sector, the minimum wage was between 30 and 70 percent below the $174 (3,000 cordobas) that the Government estimated an urban family needed monthly for a basic basket of goods.

Although the standard legal workweek is a maximum of 48 hours, with one day of rest, this provision was routinely ignored by employers who often claimed that workers readily volunteered for these 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 Security in the Ministry of Labor lacked adequate staff and resources to enforce these provisions. Working conditions often did not meet acceptable international standards. Workers in some factories in the FTZs complained of poor working conditions, unsafe drinking water, forced unpaid overtime, and of being told when they could not go to the toilet. In one factory, several pregnant women complained that management would not allow them to visit the doctor for medical appointments during work hours. The law provides workers with the right to remove themselves from dangerous workplace situations without jeopardizing their 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 from various sectors.

During the year eight lobster divers on the Atlantic Coast died and approximately 600 others suffered decompression sickness injuries resulting from the failure of employers to provide appropriate occupational health and safety training and adequate diving equipment. NGOs reported that the Government had not inspected diver working conditions during the year. The President of the Divers and Mariners Union in the Northern Autonomous Region reported to the media that employers had provided basic technical diving training to only approximately 2 percent of the 4,000 lobster divers. At year's end the Ministry of Health declared that lobster fishing should be suspended, and local governments of the Atlantic Coast coordinated with PAHO to begin funding a basic lobster diver training program.

PANAMA

Panama, a representative multiparty democracy with an elected executive composed of a President and two vice Presidents, has a population of approximately three 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; discrimination and violence against women; trafficking in persons; discrimination against indigenous people and other ethnic minorities; 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.

There were no developments concerning the 2004 request of the Fourth Superior Prosecutor that two off-duty Panamanian National Police (PNP) officers be tried for homicide in the 2001 killings of two men whose bodies were found on the beach in Punta Chame.

Pursuant to the country's acceptance of responsibility before the Inter-American Commission on Human Rights (IACHR) for certain crimes committed during the 1968–1989 military dictatorship, the Government continued to evaluate these cases on an individual basis. By year's end the Government had discussed settlement with two families.

In March the Public Ministry ordered the detention of Ricardo Garibaldo in connection with the 1970 disappearance and death of Heliodoro Portugal, the subject of a 2002 petition before the IACHR. Garibaldo surrendered, was brought to trial, and died on July 6, the day the judge was scheduled to rule on his case.

The Office of Truth Commission Continuation continued its request to the Public Ministry to open or reopen 16 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 January the Attorney General named a temporary prosecutor to follow up on the Office of the Truth Commission Continuation's 2004 request to investigate 33 cases, including the 33 cases that the office had requested the Public Ministry to open or reopen, of killings or disappearances during the 1968–89 military dictatorship. There were no new developments regarding the identification of 16 to 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 did not disburse assigned funds to support excavations and investigations regarding the 1971 disappearance of Colombian-born Catholic priest Hector Gallego. The commission questioned why this particular case received special funding while other cases received no additional resources.

In contrast with 2005 there were no reports from indigenous groups of alleged kidnapping or disappearances due to Colombian insurgents in Darien Province. In January Colombian insurgents kidnapped and later released two Spanish nongovernmental organization (NGO) workers near Jaque in Darien Province.

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. As of September the PNP Office of Professional Responsibility (DRPO) had investigated eight cases of police abuse against prison inmates. During the year the Office of the Ombudsman (Defensoria del Pueblo) received 17 complaints of abuse against PNP guards.

Prison and Detention Center Conditions.—Prison conditions remained harsh and, in some cases, life-threatening. Many of the problems within the prisons continued to be due to overcrowding and lack of separation of inmates according to the type or severity of the crime committed. By year's end the prison system, which had an official capacity of 7,271 persons, held 11,575 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. Abuse by prison guards, both PNP and civilian, was a recurrent problem. Between January and November police officials received and investigated eight cases of alleged abuse by prison guards. DRPO investigations resulted in administrative sanctions against 15 agents. As of December the Public Ministry was considering the prosecution of two superior officers for alleged abuses.

Medical care for prisoners was inadequate. AIDS, tuberculosis, hepatitis B, and other communicable diseases were common among the prison population.

The La Joya and La Joyita prisons resolved water shortage problems experienced in 2005. During the year prisoners had access to potable water 24 hours per day. By year's end 18 inmates had died due to various causes including AIDS, suicide, stabbing, heart attack, intoxication, and asphyxiation.

The General Penitentiary Inspection Directorate (DGSP) replaced 22 civilian correction officers who were discharged for corruption.

The DGSP largely depended on 1,200 PNP officers to supply both internal and perimeter security at all prisons. There were 610 custodians for the entire prison system. As in previous years the DGSP continued to use regular PNP officers to fill staffing gaps. PNP officers sometimes were untrained for prison duty. In prisons controlled by the PNP, prisoners complained of ongoing human rights violations, such as limited time outside of cells and limited access to family visits. Civilian custodians handled 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 did not have authority to discipline prison guards with criminal or civil sanctions but submitted complaints against PNP custodians before the PNP. Only the PNP disciplinary board could 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.

A pilot program for classifying inmates based on type of crime committed, which began in El Renacer in 2005, was extended during the year to Tinajitas, Nueva Esperanza, and the women's prisons in Panama and Chiriqui provinces.

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.

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 year's end 7,153 inmates who had not been convicted remained in prison. Pretrial detainees often shared cells with sentenced prisoners due to lack of space.

In contrast with 2005, there were no reports of independent human rights groups denied or otherwise impeded access to 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. The NGO Justicia y Paz, the Catholic Church's human rights monitoring group, 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. Lack of prompt arraignment, however, 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. Police arrested and detained children for minor infractions during neighborhood sweeps, but there were no credible statistics reported during the year on the number of children arrested in these operations (see section 5).

Role of the Police and Security Apparatus.—The Judicial Technical Police (PTJ) and PNP 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 15,211 police officers. The PTJ, a semiautonomous body with leadership appointed by the Supreme Court of Justice, is a separate branch of law enforcement and perform 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. 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. In December the Attorney General dismissed PTJ Deputy Director General Eric Bravo following a March 2005 request by authorities to dismiss Bravo on charges of manipulating an investigation to favor his personal friends.

The PTJ and the PNP had offices of professional responsibility to act as internal affairs organs for holding officers accountable for their actions. Both had staffs of independent investigators, administrative authority to open internal investigations, and a defined legal process. During the year the PNP increased its internal affairs staffing and trained nine investigators to conduct polygraph examinations.

The PNP's deputy director and the secretary general addressed human rights problems that arose in the police force. Between January and September the PTJ received an average of 26 complaints per month. The human rights ombudsman also received complaints against the police for abuse of authority but did not provide statistics (see section 4). As of December the DRPO had received 1245 complaints against police, including 295 cases of abuse of office or unprofessional behavior and 135 cases of physical mistreatment. Through December the DRPO imposed penalties on 330 officers, including reductions in rank, criminal prosecutions, and dismissals.

By year's end the PNP had removed one officer from his job, and the criminal court had dismissed provisionally charges against three other officers relating to al-

leged sexual abuse of minors in 2005 in Darien Province. The minors were not in police custody or detention at the time of the alleged abuses (see section 5).

The PTJ received complaints from the public, and officers could make anonymous complaints of corruption and other problems. By the end of the year the PTJ Office of Professional Responsibility had opened 206 new cases. The PTJ dismissed 31 agents, 14 for abandonment of duty, as a result of investigations by its professional responsibility office and the human resources office.

Although the PNP provided some training during the year, including physical tactics training in the use of force, not all PNP staff members were trained in the use of force. All PNP physical tactics trainers received an updated course on the use of non- and less-lethal force. The course was adapted to entry level and in-service PNP training. The ombudsman's office provided human rights and legal training to PNP officers assigned as prison guards.

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. The preliminary investigation phase may last from eight days to two months and the follow-on investigation phase another two to four months, depending on the number of suspects. The courts and the Public Ministry frequently granted extensions of time limits, leaving the 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 human rights problem, due in part to the use of a written inquisitorial system. According to government statistics, approximately 62 percent of prisoners were pretrial detainees. The average period of pretrial custody was 24 months, and pretrial detention in excess of the maximum sentence for the alleged crime was common.

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, the system was undermined by political influence and undue interference by higher-level judges.

At the local level, mayors appoint administrative judges (corregidores), who exercise jurisdiction over minor civil cases and who hold wide powers to arrest and to impose fines or jail sentences of up to one year. Outside of Panama City, this system had serious shortcomings. Defendants lacked adequate procedural safeguards. Administrative judges usually were not attorneys, had not completed secondary education, and in some cases were corrupt. In practice appeal procedures were nonexistent. Affluent defendants often paid fines while poorer defendants went to jail, contributing to prison overcrowding (see section 1.c.).

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 the rendering or amplification of statements or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Whereas 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 limited 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 enjoy a presumption of innocence and have a right of appeal.

The law obliges the Government to provide public defenders for the indigent. Many public defenders were appointed late in the investigation, after the prosecutor already had evaluated the bulk of the evidence and decided either to recommend trial or to dismiss the charges. Public defenders' caseloads remained extremely high,

averaging over 450 cases per attorney per year. Ten new attorneys were added to the staff during the year, bringing the total number to 47.

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 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.—Whereas the law prohibits such actions and the Government generally respected these prohibitions, 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 a representative to approve searches in each of the PTJ's divisions. 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, SERTV/11, and one radio station, Radio Nacional. 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 publication of stories favorable to the Government and withdrew advertising funding from news organizations engaged in unfavorable coverage of the Government. There remained pending legal actions 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.

The ombudsman office delegate position responsible for freedom of expression and access to information became vacant on February 15. Journalists alleged that the absence of a functioning delegate deprived them of an important advocate. At year's end no progress had been made in 15 libel cases pending against journalists since 2005. There were no new developments in the two-million-dollar civil damage lawsuit filed by Supreme Court Justice Winston Spadafora against El Panama America journalists for defamation of character. Spadafora objected 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 or reports that the Government monitored e-mail or Internet chatrooms. 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.

There were no further developments and none were expected regarding cases filed with the Public Ministry relating to alleged police brutality of 22 persons held in detention as a result of a 2004 incident in Bocas del Toro involving attempts by antiriot police to open roads closed by protesting local residents.

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.

The ombudsman received one complaint from a Rastafarian child denied access to public school because of his refusal to cut his hair on religious grounds. The case remained pending at year's end.

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 2006 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. A 9:00 p.m. curfew directed at unaccompanied minors in Panama City and San Miguelito remained in effect.

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 UN 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 some protection against refoulement, the return of persons to a country where they feared persecution. The Government sometimes granted refugee status or asylum.

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 two months' temporary protection to "displaced persons" in the case of a large influx. In practice the Government did not enforce the two-month time limit. The 1998 decree provides for a meeting by the Government's refugee commission every three months to determine the status of persons seeking refugee status. The commission met three times during the year and granted asylum to 135 persons. In December the commission granted refugee status to 42 persons from the indigenous Wounaan community who came to the country in May from Colombia's Darien Province.

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 901 persons during the year.

According to the Office of the UN High Commission for Refugees (UNHCR), there were 901 displaced Colombians under temporary protective status in the country. Many of them had given birth to children in the country. There often were problems in registering these children as citizens due to lack of documentation. The Government did not permit displaced Colombians to move or work outside of their assigned villages. Although the Government was reluctant to classify displaced Colombians as refugees, it took some steps with the Government of Colombia and UNHCR to regularize the status of these Colombians under other immigration categories. Some of the Colombians had lived in the country for years without formal refugee status. The 901 displaced Colombians who remained in the country informed the Government and UNHCR that they did not want to return to Colombia due to family and cultural ties with local communities among whom they lived.

The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR had a permanent office for the country operating out of Panama City and was granted unimpeded access to refugees and UNHCR project sites.

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 by secret ballot of the President, the vice President, legislators, and local representatives every five years. 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, increases 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 two female judges on the Supreme Court of Justice, one of whom was black and appointed as chief justice. The Attorney General was a woman.

There were five dedicated seats in the 78-seat legislature to represent the country's recognized indigenous regions. In general deputies in the legislature, the cabinet, and the Supreme Court of Justice did not identify themselves as members of ethnic or racial minorities.

Government Corruption and Transparency.—According to the NGO Transparency International, a perceived level of serious domestic corruption worsened during the year. Political parties, the National Assembly, police and the judiciary were perceived as the most corrupt government entities.

During the year the Attorney General's office and the comptroller general's office implemented broad institutional reforms to improve their capacity to prosecute corruption through a multidisciplinary anticorruption task force.

The transparency law provides public access, including from foreign media, 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 Attitude 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 human rights ombudsman's office had moral but no legal authority. It operated without government or party interference and had adequate resources. The Government cooperated with the ombudsman. During the year the office received one anonymous complaint against a local government official for corruption.

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.

Although the law specifically prohibits discrimination involving entry to public or commercial establishments and sets fines from $250 to $1,000 (250 to 1000 balboas) for violations, many commercial establishments continued openly to operate a "right of admission" policy, discriminating against dark-skinned individuals of lower social status. Cases of discrimination were difficult to prove, with complicated, time-consuming, and costly legal remedies for victims.

Women.—Domestic violence against women continued to be a serious problem. The Family Code criminalizes rape, spousal rape, and family violence, including psychological, physical, or sexual abuse, and provides prison terms of one to five years. Convictions for rape were rare, and statistics on convictions were not available. There were few convictions for domestic violence because victims generally chose spousal therapy over prosecution. Abusers were commonly convicted of unintentional killing in cases of spousal death. Between January and September the PTJ had registered 1,224 cases of domestic violence, 588 cases of rape, and 120 cases of attempted rape. The PTJ reported that it investigated every case it received during the year. Between January and December the DRPO reported that it had received 336 cases of domestic violence and one case of rape committed by officers. The DRPO dismissed the officer accused of rape.

Spouses or other family members frequently perpetrated domestic violence. The Foundation for the Promotion of Woman and the Center of Colon Women, among other women's advocacy groups and government agencies, operated programs to assist victims of abuse and to educate women on their legal rights.

Prostitution was legal and regulated, but there was no information available during the year on the extent to which it occurred.

Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment in cases of established employer/employee and teacher/student relations, and violators can receive one- to three-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 ascertained.

The law prohibits discrimination on the basis of gender, and women enjoy the same rights as men, including rights under the family law, the 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.

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. Although women constituted the majority of workers in many service jobs, they occupied only 40 percent of management and executive positions. There were some reports of irregular hiring practices based upon age and appearance.

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. A number of private women's rights groups disseminated information about the rights of women, countering domestic abuse, enhancing employment and other skills, and pressing for legal reforms.

Children.—The Government was committed to children's rights and welfare. 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 groups. According to the 2000 census, the most recent available, 65 percent of persons nationally between the ages of 15 and 19 had some schooling beyond the sixth grade. In the Embera and Ngobe-Bugle indigenous regions, 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 (130,000 versus 125,000).

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 groups. A central children's hospital in Panama City operated with government funds and private donations.

Through September the PTJ registered 505 cases of child abuse and neglect. Sexual abuse, including incest, accounted for 201 of these cases. Lack of reporting remained a problem, often because of parental involvement or complicity. Sexual abuse of children was reported in both urban and rural areas, as well as within indigenous communities.

The Ministry of Social Development received complaints regarding physical abuse of children. The ministry maintained a free phone line attended by psychologists and social workers for children to call to report abuses and implemented a television campaign encouraging its use. By June the ministry had received an average of 424 calls per day mainly related to neglect and physical and emotional abuse. Victims were directed to police authorities, hospitals, and protection centers for support.

Due to inadequate government resource allocations and training, family courts continued to render controversial decisions, including the return of children to abusive situations. The juvenile penal courts in Panama and Colon provinces reported 143 new cases against juveniles.

Gang recruitment of minors by young adults, especially in Panama City and San Miguelito, continued to increase, with recruiters focusing on procuring youth to engage in killing for hire. Police arrested and detained children for minor infractions during neighborhood sweeps.

At year's end charges were dismissed provisionally against three high-ranking police officers under investigation since 2005 for sexual abuse of minors in Darien Province (see section 1.d.).

Trafficking in children and child labor were problems (see sections 5, Trafficking, and 6.d.).

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country. The magnitude of the problem was difficult to determine because the country was a transit point for illegal economic migrants who were not forced into prostitution or debt bondage but who used similar smuggling routes. It was thought that women and children were trafficked during the year within the country for purposes of sexual exploitation, but there were no statistics available on numbers of persons actually trafficked within the country.

The Ministry of government and Justice is responsible for developing policies to reduce trafficking in persons, and the Ministry of Social Development has responsibility for protecting victims through shelters and related services. The PTJ Sex

Crimes Unit is charged with investigating and arresting persons involved in trafficking.

The law criminalizes trafficking and pornography and proscribes the promotion of sex tourism and use of the Internet for soliciting victims for trafficking and sexual exploitation. Persons who engage in human trafficking for purposes of sexual activity can receive five to eight years in prison, or in the case of a minor, eight to 10 years. The law permits undercover operations and the monitoring of suspects' computers in sex crime cases. There were no convictions during the year of any individuals engaged in trafficking of persons.

The National Committee for the Prevention of Sexual Crimes (CONAPREDES) provided additional funding for combating trafficking and for victims' assistance.

There was evidence that rural children were trafficked internally to work as domestic servants in urban areas. The country also was a destination point for trafficked women. Colombia remained the primary country of origin for trafficked women. Although many Colombians came willingly to the country apparently intending to become prostitutes, anecdotal evidence suggested that some were forced to continue as prostitutes after they sought to end their involvement.

The country was a transit point for persons in prostitution from Colombia to other Central American countries and the United States. Although some of these women were assumed to be trafficking victims, the Government could not verify numbers. Alien smuggling remained a widespread problem. Most aliens came from Ecuador, Peru, Colombia, China, and India. They transited the country by means of smuggling networks in route to the United States. Some were trafficked for debt bondage, including Chinese debt bondage in the country. The Government's consular officers in Jamaica, Guatemala, and Mexico provided assistance to Panamanian trafficking victims in those countries.

The Government allocated inadequate funding and resources to the PTJ Sex Crimes Unit. As of December the unit had investigated five cases of sexual trafficking, 24 cases of child pornography, 21 cases of procurement of persons for commercial sexual activities, four cases of sexual tourism, and eight cases of child molestation. The prosecutor's office initiated its own investigations. The Government did not provide the prosecutor with adequate resources to conduct undercover investigations or to perform its other duties. The Public Ministry received three reported cases of trafficking in persons in Panama City. Information sharing between the Government and other countries occurred, but it needed to be strengthened as did coordination among the PTJ Sex Crimes Unit, the PNP, and immigration authorities.

The PNP and the Immigration Department conducted raids every two to three months on bars and brothels, but lack of government funding limited undercover operations. There were no further developments in the case of a foreign national who owned a club with female dancers and was charged with procurement in May 2005, nor were there further developments regarding the May 2005 investigation by immigration authorities and the PTJ of a massage club where Colombian workers complained that the owners seized their passports.

In many of the cases investigated for possible trafficking violations, 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. The holder of an alternadora visa is legally permitted to engage in commercial sexual activities. During the year the Immigration Department reinstated the alternadora visa despite opposition from the Attorney General's office.

Commercial sexual exploitation of minors continued to be a problem. Commercial sexual exploitation remained primarily an internal issue. Perpetrators, however, included foreigners, and there continued to be limited evidence of international trafficking networks of minors to or through the country.

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 Ministry of Social Development continued providing shelter and other services to victims of commercial sexual exploitation, using substitute families, its own shelter, and the shelter of an NGO it subsidized.

During the year the Government worked with the International Labor Organization (ILO) on trafficking issues, including the production of 1,056 pamphlets on sexual exploitation and trafficking for distribution to public school educators. On August 31, the ILO and CONAPREDES held a workshop for media owners on awareness of trafficking issues and victim protection. Throughout the year the ILO and CONAPREDES conducted a media campaign on trafficking awareness including two television commercials and four posters.

NGO and government efforts in prevention and education remained limited by inadequate allocation of governmental resources and coordination problems.

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 in the provision of 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, to decrease discrimination. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs. During the year approximately 175 public schools built ramps and admitted children with mental and physical disabilities. Children with severe disabilities were not included in the mainstreaming effort. Most public schools did not have adequate facilities for children with special needs. Private schools built ramps to comply with the law mandating access. Very few private schools, however, admitted children with special needs. During the year the ombudsman's office received 22 complaints of violations of the rights of persons with disabilities.

The National Secretariat for the Social Integration of Persons with Disabilities (SENADIS) was responsible for protecting the rights of persons with disabilities. It coordinated and provided technical assistance to government and civil society efforts to decrease discrimination against and increase inclusion of persons with disabilities. The Council for the Social Integration of the Disabled supported SENADIS and consisted of members of civil society and several ministries. The Ministry of Education was responsible for educating and training minors over the age of four with disabilities, while the Ministry of Social Development provided training to children under four. Pursuant to a January commitment by several government agencies to fund rehabilitation centers, in July authorities opened two new centers for children with disabilities in Chiriqui and Veraguas provinces.

The Ministry of Labor was responsible for placing workers with disabilities in suitable jobs. 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. Persons with disabilities also tended to be paid less than employees without disabilities for performing the same job.

Panama City's building code requires that all new construction projects meant to serve the public shall be accessible to persons with disabilities, with fines for the public sector between $100 and $500 (between 100 and 500 balboas) for noncompliance. A national law with similar requirements for new construction projects generally was not enforced, and in some cases the ramps built did not comply with the minimum legally required lengths and widths. Some handicapped-designated parking spaces were not wide enough to allow for exit and entry of wheelchairs from vehicles. SENADIS began a campaign to increase voluntary compliance.

During the year the Government began a project to train 800 low-income families with at least one member with disabilities to open microbusinesses. The Government also inaugurated the remodeled facilities of the city's largest rehabilitation center at a cost of $150,000 (150,000 balboas). The Government also began disbursing one million dollars (one million balboas) in subsidies to 800 low-income parents of children with disabilities. The Government donated 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 discrimination against blacks, indigenous people, and other ethnic communities. Discrimination against the country's newer immigrants, especially Chinese, sometimes was overt. There were an estimated 150 thousand to 200 thousand persons of Chinese descent. Cultural differences and language difficulties hindered many Chinese immigrants from fully integrating into mainstream society. Racial slurs directed at Asians continued to be used openly among the general population, and substantial numbers of first-generation resident Chinese frequently were subject to discrimination. Second- and third-generation Chinese were seen as distinct from recent immigrants and generally were accepted in society if they assimilated.

Along with the Chinese, Middle Eastern and Indian residents also continued to suffer from discriminatory treatment. All three groups often worked in the country's retail trade, particularly in urban areas. Immigrants were accorded fewer legal protections than citizens for their trade activities. A constitutional provision reserving retail trade for citizens of the country was not enforced generally. By law, however,

immigrants are not permitted to own their businesses as sole proprietorships and sometimes encountered bureaucratic difficulties in practicing their professions.

Racism against blacks was generally subtle and often connected with admission or entry to restaurants, clubs, and other commercial establishments. Blacks comprised at least 14 percent of the population but were underrepresented in the highest positions of political and economic power. Many blacks remained clustered in the economically depressed province of Colon and poorer neighborhoods of Panama City.

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.

Racial discrimination against various ethnic groups was evident 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.

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, comprising approximately 9.5 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 indigenous regions governed by tribal chiefs for five of the country's seven indigenous groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna. The much smaller Bri-Bri and Naso communities, residing near the border with Costa Rica, did not have officially recognized indigenous regions.

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. Despite legal protection and formal equality, indigenous people generally had higher levels of poverty, disease, malnutrition, and illiteracy than the rest of the population. The poverty rate among the indigenous population was estimated at between 90 and 98 percent, depending on the group.

With the exception of the Kuna Yala, whose leaders enforced their territorial boundaries and maintained their cultural integrity, indigenous groups had not succeeded in using their autonomy to preserve their culture or develop economic independence.

Because many indigenous persons did not have an adequate command of Spanish, they 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. The Kuna of the Madugandi indigenous region complained of encroachment by settlers who were deforesting their lands. The Ngobe were under threat due to the isolation of their reserve, encroachment by settlers, and generalized poverty. The Embera-Wounaan struggled to protect their intellectual property rights concerning medicinal plants.

Social and employment discrimination against indigenous people was widespread. 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. Indigenous migrant workers were unlikely to be provided with quality housing or food, and their children were much more likely to work long hours of heavy farm labor than nonindigenous children (see section 6.d.).

Other Societal Abuses and Discrimination.—A law prohibiting homosexuality was not enforced. The March gay pride parade was headed by former Miss Universe Justine Pasek, who asked for tolerance. The NGO New Men and Women of Panama averred that employers discriminated against openly gay people.

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 Government provided treatment for HIV/AIDS in at least 80 percent of cases through the Ministry of Health and Social Security, but the Government had problems maintaining retroviral medication in stock.

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 by the

Government. The law sets the minimum size of private sector unions at 40 workers and permits one union per establishment. Umbrella unions based on skill groups may also operate in the same establishment. The law provides that if the Government does not respond to a registration application within 15 days, the union automatically gains recognition with all rights and privileges under the law. Union associations complained that such automatic registration did not function in practice. Employees of small companies may organize under a larger umbrella group of employees with similar skills and form a union as long as they number at least 40 persons. The law also allows labor leaders to keep their union positions if fired from their jobs.

There were no developments regarding the 2005 request by the ILO Committee of Experts that the Government take measures to amend national legislation requiring a minimum of 50 public servants to establish a union.

By year's end there were no reliable statistics on the percent of the total labor force that was organized.

There were no developments during the year regarding demands by 270 dismissed public-sector electricity and telecommunications workers for compensation additional to the Government's November 2005 payment of $800,000 (800,000 balboas) to them resulting from a 2001 ruling of the Inter-American Court of Human Rights.

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 the Ministry of Labor to resolve private labor complaints and provides a procedure for mediation.

Public workers had an association consisting of 21 public worker associations, but this association did not strike or negotiate collective bargaining agreements because only approximately 14.5 percent of government workers were protected from arbitrary dismissal as certified career employees. During the year the ombudsman's office reported that it had received 214 complaints of alleged unjustified dismissal from public employees. The law grants some public employees a limited right to strike, except for those in areas vital to public welfare and security such as police and health workers. At least 25 percent of the workforce must continue to work to provide minimum service 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. There was no information regarding whether the Government had responded to the ILO Committee of Experts 2005 comments that inclusion of transport workers under the law regarding limitation on strikes in essential services sectors went beyond essential services in the strict sense of the term.

The law prohibits federations and confederations from calling strikes. There were no developments regarding the request by the ILO Committee of Experts in 2005 that legislation be amended to permit federations and confederations to enjoy the right to strike.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 9,000 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 three-month contracts for several years, sometimes sending such employees home for a month, and later rehired them. Employers also circumvented the law requiring a two-week notice for discharges by dismissing some workers one week before a holiday. Due to labor laws that made it difficult to fire employees who had worked two years or more, it was not uncommon to hire workers for one year and 11 months and subsequently lay them off.

Employers increasingly negotiated directly with unorganized workers before unions formed or had a majority presence in the workplace. According to data from the Ministry of Labor, since 1990 approximately 645 of 998 collective agreements were negotiated directly between employers and workers.

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. A strike is considered legal only after 35 workdays of conciliation are exhausted; otherwise, striking workers can be fined or fired. The

law regarding EPZs does not mention arbitration or specify procedures to resolve labor disputes in the courts.

The same labor laws governing EPZs apply to call centers. There were approximately 945 employees in the country's 13 EPZs and up to 10,000 employees in 34 call centers. Minimum wage provisions apply in the EPZs and call centers, and wages were generally higher in the call centers than in the economy as a whole. In the EPZs, workers could agree to take the law's compulsory Sunday rest period on another day and to receive overtime compensation based on a straight 25 percent differential, compared to a complex and costlier system under the Labor Code.

The law establishing the special economic area in the former Howard Air Force Base contains provisions intended to facilitate greater labor flexibility along the lines of the minimum wage and required rest day provisions employed in the EPZs. Workers in this special economic area have the right to strike, organize, and engage in collective bargaining.

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. The Ministry of Labor has responsibility for enforcement. Although the Government allocated inadequate staffing and funding, the ministry was reasonably effective in enforcing the law regarding child labor in the formal sector. As of December the ministry had performed 369 inspections of businesses in Panama City to ensure compliance with child labor regulations, as well as 139 inspections in the interior of the country. Child labor in agriculture and in the informal sector of the economy, however, remained a problem.

On June 12, the Government issued a decree identifying the worst forms of child labor in the country, and proscribing child labor involving inherently dangerous activities, including work performed underground, using dangerous chemicals, using heavy machinery, as well as work involving construction, selling alcoholic beverages, garbage collection, and domestic service in homes.

The law prohibits the employment of children under 14 years of age, with the exception that children age 12 and over are permitted to perform light farm work for up to six hours per day that does not interfere with their school hours. The law prohibits the employment of children under age 15 if the child has not completed primary school. Child labor was a problem in some provinces and some economic sectors.

Children under age 18 legally cannot work more than six hours per day and cannot work at night. The law includes a prohibition on employment of minors under the age of 18 in hazardous labor. The Ministry of Labor enforced these provisions in response to complaints and could order the termination of unauthorized employment. The Government acknowledged that it was unable to enforce some child labor provisions in rural areas, and it conducted only limited inspections due to insufficient staff (see section 6.e.).

Child labor violations occurred most frequently in rural areas, in both 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. Unlike last year, there were no credible reports that child labor continued in the commercial banana sector.

The problem of child labor in agricultural areas fell most heavily on indigenous families, who often migrated out of their isolated reserves in search of paid work (see section 5). These frequent migrations interrupted schooling.

Child domestic labor was a problem. According to the 2000 census, 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 to work in the informal sector of the economy as street vendors, shoe shiners, car window washers, grocery baggers in supermarkets, trash pickers, or beggars. A 2005 ILO survey, the most recent available, estimated that 52,000 children between the ages of five and 17 worked in the informal sector. The Government estimated that there were 15,000 children employed or working on their own informally in urban areas. Approximately 45 percent of these children did not attend school.

The Government, the ILO, and the NGO Casa Esperanza funded a campaign of television commercials and advertising to stop child labor. Casa Esperanza operated

56 centers throughout the country to reduce child labor, and through its DESTINO project it operated 41 educational centers for children and youth.

e. Acceptable Conditions of Work.—The law establishes minimum wage rates for specific regions and for most categories of labor, excluding public sector workers. The minimum wage ranged from $0.89 (0.89 balboas) to $1.68 (1.68 balboas) per hour, depending on the region and sector. This wage did not provide a decent standard of living for a worker and family. The estimated annual poverty income level was $953 (953 balboas), which was below the minimum wage level. 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 three to six dollars (three to six 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. The Ministry of Labor generally enforced these standards in the formal sector.

The Ministry of Labor is responsible for setting and enforcing health and safety standards and generally did so. As of December the Ministry of Labor had conducted 2,179 workplace inspections in Panama City and 5,331 inspections in the interior to verify compliance with labor laws.

Although inspectors from the Ministry of Labor and the occupational health section of the Social Security Administration conducted periodic inspections of hazardous employment sites and responded to complaints, the Government failed to enforce adequately health and safety standards. Construction workers and their employers were lax about conforming to basic safety measures. Workers have the right to remove themselves from situations that present an immediate health or safety hazard without jeopardizing their employment. They generally were not allowed to do so if the threat was not immediate but could request a health and safety inspection to determine the extent and nature of the hazard.

PARAGUAY

Paraguay is a constitutional republic with a population of approximately 6.3 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 has been governed by the Colorado Party for 60 years. The civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, there were serious problems in some areas. There were reports of killings by the police and military, which the Government investigated. Convicted prisoners, other detainees, and conscripts were subject to abuse by government authorities. Prisons were routinely overcrowded and violent. In isolated cases, the civil rights of citizens were violated by arbitrary arrest and detention and lengthy pretrial detention. The judiciary remained inefficient and subject to corruption and political influence. Police occasionally used excessive force against illegal but generally peaceful demonstrations. Violence and discrimination against women remained a problem, as did trafficking in persons, discrimination against persons with disabilities and indigenous persons. Protections for worker rights and 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.—While the Government or its agents did not commit any politically motivated killings, security forces were responsible for killings involving the use of unwarranted or excessive force. There were reports of police officers killing persons while acting outside the scope of their duties and of deaths in custody.

Members of the National Commission for Citizen Security (CONASEG), which was created by Presidential decree to give citizens a role in supporting the National Police, were accused of killings, robbery, assault, harboring and protecting drug and arms traffickers in cities located in the Alto Parana Department such as Ciudad del

Este, Presidente Franco, Minga Guazu, and Hernandarias. CONASEG units in these cities and two other jurisdictions were under investigation for killings; however, no CONASEG members had been prosecuted by year's end.

On July 11, CONASEG members in San Jose del Norte, San Pedro Department, allegedly killed Luis Martinez and injured Zacarias Vega, who managed to escape. Martinez and Vega were community activists who campaigned for peasants' rights and against the excessive use of agricultural pesticides. Family members received death threats and were warned not to pursue an investigation into the case. The case remained pending at year's end.

On November 26, Leoncio Piatti, a former member of CONASEG in Obrero (a neighborhood in Asuncion), killed Josais Adan Valiente Ovelar (12 years old) with a gun shot to the head. Piatti reportedly suffered from delirium. He had been expelled from CONASEG but continued his activities. An investigation remained pending at year's end.

On January 17, police in Arroyo Costa, Paraguari, allegedly tortured to death Agustin Cristaldo. Police reportedly stopped Cristaldo as he walked to a friend's home, beat and shot him in the legs, then took him to the police station where beating continued until he died. The case remained pending at year's end.

According to a congressional report, on January 9, six police officers in Iturbe, Guaira Department, beat and tortured to death Miguel Angel Benitez, whom they had detained for public drunkenness and making threats. On February 2, more than 200 residents of Iturbe marched to protest the killing. The Attorney General's investigation remained pending at year's end.

On February 3, police officers Crispin Brizuela and Gabriel Ramon Duarte Lopez killed Alberto Escobar Silvero in Tavai, Caazapa Department, for allegedly driving his motorcycle directly at the officers. The Congressional Human Rights Commission reportedly heard evidence questioning the officers' account of the situation and suggesting that police used excessive force. The case remained pending at year's end.

An investigation continued in the case of police subcommissioner Francisco Ramon Rojas Aveiro who was detained in July 2005 on charges of ordering the killing of three persons in San Pedro in January 2005.

The case of a police officer, a cadet in the Military Academy, and two others arrested in August 2005 for killing Lucio Luis Vera remained pending at year's end.

In June 2005 police action to evict families from property claimed by a Brazilian settler in Tekojoja, Caaguazu Department, resulted in the deaths of Angel Cristaldo and Leopoldo Torres, who were members of the Agrarian and Popular Organization, and injuries to five others. Authorities arrested the settler, Ademar Aloisio Opperman, and several of his employees for their role in the killings. There were 25 suspects in the case, three of whom were in prison, and the case remained pending at year's end.

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 on February 4 while on his way home from work near the city of Yby Yau, Concepcion Department. On March 29, National Police Commandant Fidel Isasa Palacios put all police officials in Yby Yau as well as some officials from nearby Azotey on administrative leave pending the investigation and named a new lead investigator. Galeano had reported on and criticized powerful political figures for corruption and involvement in narcotics trafficking. At year's end, Galeano was still missing, and the investigation into his disappearance continued.

Political figures Juan Arrom and Anuncio Marti, members of the Patria Libre Party (PPL), accused of kidnapping Maria Edith Bordon de Debernardi in 2001, remained in Brazil, where authorities granted them political asylum in 2003. In June 2005 the lead prosecutor in the case stated that the same band of individuals involved in the Debernardi kidnapping was also responsible for the February 2005 killing of Cecilia Cubas, daughter of former President Raul Cubas, who had been kidnapped in 2004. In October 2005, after the Attorney General filed formal charges, a judge indicted 15 suspects in the case, all of whom had ties to a militant faction of the PPL. Twelve of the 15 suspects were found guilty on November 28 and, on December 1, were sentenced to between five and 35 years' imprisonment. Several other PPL members fled to Argentina and Bolivia seeking asylum. Five fugitives in Argentina were in the custody of authorities there awaiting return to the country (a sixth fled to Bolivia after the others were arrested). Two who fled to Bolivia obtained refugee status on June 30 by virtue of a Bolivian Refugee Commission decision. While the Bolivian Supreme Court decided in August to revoke their refugee status, the two had not yet been returned to the country and were reportedly missing at year's end. Nine other suspects in the case remained at large.

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 Coordinating group (CODEHUPY)—comprising 37 nongovernmental organizations (NGOs), civic organizations, and trade unions—reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees.

CODEHUPY noted increased overcrowding and violence and deterioration in food safety and medical care in the penal system, as well as a failure to separate prisoners (accused and convicted persons, women and men, and adults and children). CODEHUPY highlighted 52 deaths within the prison system during the year. CODEHUPY reported that torture and other inhumane acts remained a significant problem within prisons, acts for which police or prison guards enjoyed impunity.

The UN Special Rapporteur on Torture Manfred Nowak noted in a November 29 statement that torture was widely practiced during the first days of police custody. "In particular," 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 ill-treatment, noting that "there have been no convictions for torture, and very few prosecutions, if any, since the criminal code entered into force in 1999."

An investigation continued at year's end in the case of Marcial Martinez Amarilla, a member of the Popular Rural Campesino Organization, who stated that, in March 2005, police in Valle Pe, Guaira Department, entered his home, forcibly apprehended him without a warrant for his arrest, and tortured him for three hours on suspicion of cattle theft.

There were no known developments in the December 2005 case of Juan Carlos Silvero Medina in San Juan Nepomuceno, Caazapa Department, who was detained for more than 10 hours for allegedly disturbing the peace and severely beaten. An investigation remained pending at year's end.

There were several reports of members of the police harassing, and beating civilians, particularly while responding to land invasions and protests.

There were accusations of sexual misconduct and rape by senior military officials. On May 2, several female cadets claimed they had been sexually assaulted or raped by their superiors. The military released a preliminary report in August indicating that some of the allegations could not be substantiated. The allegations remained under investigation at year's end.

The law allows the human rights ombudsman to investigate and seek monetary compensation in cases of human rights abuses stemming from the 1954–89 Stroessner regime. Since his appointment in 2001, the ombudsman ruled that 1,198 of 2,122 victims who filed petitions were entitled to compensation and awards ranging from $583 to $17,500 (3.1 million to 94.5 million guaranies). More than 400 victims (or family members) either already received payments or were due to receive payments, according to the ombudsman. Since 1993, 3,583 human rights cases have been filed, predominantly stemming from the Stroessner era. Although the Truth and Justice Commission continued to investigate and document human rights abuses between 1954 and October 2004, a tight budget constrained its progress. On October 4, the Truth and Justice Commission exhorted President Duarte to release Armed Forces files for the purpose of clearing up the mystery behind forced disappearances during the Stroessner dictatorship. Also in October the Inter-American Court on Human Rights found the Government culpable and stated that it should pay the victims of Operation Condor who were tortured or killed under the Stroessner regime.

In his November 29 statement, the UN special rapporteur on torture noted that he had "received allegations about the beating of conscripts and degrading treatment, such as a form of hazing known as descuereo, which involves forcing individuals to carry out extreme forms of exercise as a method of punishment." The Government distributed to all military units booklets that the UN resident representative prepared on human rights practices.

On June 20, Defense Minister Roberto Gonzalez, then commanding general of the Armed Forces Jose Kanazawa, and then foreign minister Leila Rachid officially apologized on behalf of the Government for the deaths in 1989 and 1995 of two minors-Gerardo Vargas Areco and Victor Hugo Maciel—conscripted into the military.

Prison and Detention Center Conditions.—Prison facilities were deficient, and prison conditions were extremely poor. Overcrowding, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners.

In August a special Senate Committee on Prisons released a report on its investigation of abuse and conditions at the prisons. The study found that prisons remained in "deplorable" conditions, an assessment unchanged from the previous year. Most prisons were overcrowded, lacked sufficient infrastructure to accommodate the inmates, needed additional security guards, required maintenance, and raised serious health concerns. Former commission President Senator Ana Maria Mendoza de Acha also noted that guards forced female inmates of Buen Pastor into prostitution at the Tacumbu prison.

According to CODEHUPY, Tacumbu prison, the largest in Asuncion, was built to hold approximately 1,000 inmates but held more than 3,000 for most of the year, of whom approximately 2,400 were awaiting trial. Regional prisons generally held approximately three times more inmates than their intended capacity. The exception is the new prison facility in Coronel Oviedo, Caaaguazu Department, completed in late 2005, which has a capacity of 600 but held approximately 400 inmates.

Security was a problem throughout the prison system. There were only 540 prison guards for 6,530 inmates in the entire prison system, which consists of 17 penal institutions. The national ratio of one guard for 12 inmates was much higher at Tacumbu prison in Asuncion, Central Department, where there were approximately 40 guards for approximately 3,000 prisoners (or one guard for 75 inmates). Inmates frequently had weapons, particularly at the Emboscada prison in Minas, Cordillera Department. Escapes and escape attempts were frequent, while corruption among prison guards and judicial officials remained a problem.

On June 25, prisoners attempted an escape at Tacumbu prison, using a large amount of explosive material, which weakened the prison's exterior reinforced wall. The military deployed to restore order and did not allow the National Police or the prison guards to enter. It was widely believed that some guards were complicit and allowed the explosive material to be smuggled into the facility.

Sixteen prisoners escaped from Emboscada prison in Minas, Cordillera Department, on August 26, passing several guard stations along the way. Several prisoners were recaptured, but most remained at large at year's end. According to the investigation, the prisoners were able to escape after bribing some guards $5,000 (26.5 million guaranies) to look the other way.

A makeshift maximum security facility, not designed as a prison or officially designated as a prison and known as the "black hole," held dangerous offenders or those considered high escape risks in solitary confinement. The UN special rapporteur found that poor detainees in the "black hole" were held in extremely overcrowded conditions without light, ventilation, or basic hygiene while facing the constant threat of being infected with tuberculosis.

Male and female prisoners generally were held separately. While some smaller institutions held prisoners of both sexes, it was government policy to hold them in separate wings, but this was not always done in practice.

Although juvenile prisoners generally were held separately from adults, adults and juvenile prisoners continued to be held together in smaller prisons outside the capital.

Convicted prisoners were usually not separated from pretrial detainees.

The Government permitted independent monitoring of prison conditions by human rights organizations. Amnesty International and diplomatic representatives were granted access to prisons for announced and some unannounced visits. In his November 29 statement, the UN special rapporteur welcomed the prison inspections conducted by three inter-institutional commissions and the closures of the Panchito Lopez Juvenile facility and the Emboscada High Security Prison, which he stated "were both notorious for the use of torture and ill treatment." During sensitive periods following unrest in the prisons, some prison directors required the human rights and diplomatic representatives to obtain permission from the minister of justice and labor before discussing prison information.

d. Arbitrary Arrest or Detention.—The law prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement; however, arbitrary arrest and detention were problems. The police may arrest without a warrant persons apprehended in the act of committing a crime, but they must notify a prosecutor. In practice the authorities did not always comply with these provisions.

Role of the Police and Security Apparatus.—The National Police, under the authority of the minister of interior, have responsibility for law enforcement and internal security. The police were inadequately funded, poorly trained, and generally corrupt. The Government took steps to control and punish human rights violations committed by police officers; however, the police enjoyed impunity for many of their actions. Although the National Police incorporated classes on human rights into its

training courses, there were reports of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping. In August more than 120 police officers in Alto Parana Department were reassigned to various parts of the country due to allegations of their involvement in illegal activities. In addition, authorities fired 61 officers for involvement in criminal activities.

The 1996 Presidential decree creating CONASEG gave its citizen members a role in supporting the National Police. Participants do not have arrest authorities or authorization to use weapons. According to the Ministry of Interior, the CONASEG in Presidente Franco assumed the functions of the police, particularly in the San Rafael neighborhood where its members allegedly killed two persons during the year (see section 1.a.). The ministry also indicated that CONASEG members in San Rafael carried out vehicular patrols, carried weapons, set up road blocks, and checked vehicle and personal identification documents, all of which are legally functions of the National Police. Some members of Congress called for dismantling CONASEG, while others conveyed support for CONASEG with a more carefully defined role.

On October 4, National Police Chief Fidel Isasa ordered all police officials on red alert to combat a perceived escalation of criminal activity in the country particularly those perpetrated by assailants using large caliber firearms. Police thereafter made arrests in a number of high-profile cases. The country's Antinarcotics Secretariat (SENAD) was effective in antinarcotics efforts.

Arrest and Detention.—The law provides that, after making an arrest, police have up to six hours to notify the prosecutor's office, at which point the prosecutor's office has up to 24 hours to notify a judge whether it intends to prosecute the case.

The law provides a person in detention 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. 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, but the Government lacked resources to provide counsel to poor defendants, and many went to trial without representation. The Government permitted defendants to hire attorneys at their own expense. Inmates were allowed regular visits from family members, including conjugal visits.

Pretrial detainees constituted approximately 75 percent of the prison population. Supreme Court justices and staff and many criminal court judges made periodic visits to the prisons to identify and release improperly detained individuals.

e. Denial of Fair Public Trial.—While the law provides for an independent judiciary, courts remained inefficient and subject to corruption and political influence. Politicians and other interested parties blocked or delayed investigations and often pressured judges, although the judiciary was not allied with any political group.

On March 9, the Supreme Court temporarily suspended the Superior Electoral Court (TSJE) ruling prohibiting President Nicanor Duarte Frutos from exercising the Colorado Party presidency, which he won in an election on February 19. The TSJE had based its interpretation on a constitutional provision that prohibits the country's President from discharging the responsibilities of another position. Many opposition leaders and political rivals accused the court's justices of yielding to Presidential pressure.

On August 30, several Colorado senators discussed with Supreme Court Justice Raul Torres Kirmser the case against imprisoned coup leader former colonel Lino Oviedo, who was serving a 10-year prison sentence for his involvement in a 1996 coup attempt and who was also charged with the 1999 killing of Vice President Luis Argana. Justice Torres originally denied discussing Oviedo's case but later asserted that he only spoke of the case as an anecdote and not from a judicial viewpoint.

The nine-member Supreme Court appoints lower court judges and magistrates, based upon recommendations by the Magistrates' Council. There are five types of appellate tribunals: civil and commercial, criminal, labor, administrative, and juvenile. Minor courts and justices of the peace come within four functional areas: civil and commercial, criminal, labor, and juvenile. The military has its own judicial system, which is subordinate to the civilian justice system.

Trial Procedures.—All trials are open to the public. The law stipulates that all defendants have the right to an attorney, at public expense if necessary; however, this right often was not respected in practice. Many destitute suspects received little

legal assistance, and few had access to an attorney sufficiently in advance of the trial to prepare a defense. The 148 public defenders in the country, including 44 in Asuncion, lacked the resources to perform their jobs adequately.

The law requires prosecutors to bring charges against accused persons within 180 days of arrest. Defendants enjoy a presumption of innocence, and defendants and the prosecutor may present the written testimony of witnesses as well as other evidence. Juries are not used; the judge alone determines guilt or innocence and decides punishment. A convicted defendant may appeal the sentence to an appeals court, and the Supreme Court has jurisdiction over constitutional questions.

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

Civil Judicial Procedures and Remedies.—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 have considerable influence and often pressured judges. Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, a human rights violation.

Property Restitution.—In August 2005 the Government expropriated approximately 129,000 acres of land in Puerto Casado owned by Reverend Sun Myung Moon's Unification Church purportedly for distribution to local farmers. The Government held that the land was not in productive use. Since then, Victoria, S.A., the company owned by the Unification Church, has not had access to the property. As of August, the land had not been redistributed to local farmers, but company property on the lot had been stolen. Victoria, S.A., offered more than 24,000 acres to avoid expropriation, and congress was considering the offer. The law requires compensation to the owners, but funding was not allocated by year's end.

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 credibly 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 May 26, government officials raided the home of Colonel Heriberto Galeano, former commander of the Presidential Escort Regiment and former commander of the First Infantry Division, as part of an investigation into his involvement in illegal telephone tapping operations from his home. The prosecutor claimed most of Galeano's communications equipment had been removed prior to the raid, indicating that he had been tipped off about the pending raid.

Norma Silva Centurion stated that police officers in Ciudad del Este raided her home on August 24 and stole money, electronics, and her car. Silva also claimed to have been assaulted by four of the men. The case remained under investigation at year's end.

There were no developments regarding the March 2005 complaint of Marcial Martinez Amarilla, a member of the Popular Rural Campesino Organization that police in Valle Pe, Guaira Department, entered his home and forcibly apprehended him without a warrant for his arrest (see section 1.c.).

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, some government agents attempted to intimidate journalists.

The print and electronic media were independently owned; some media outlets were tied closely to political parties or business entities. Many media outlets clearly reflected personal business or political interests, and ethical and professional standards were low. The independent media frequently criticized the Government and freely discussed opposition viewpoints without restriction.

Enrique Galeano, host of a morning news and music program on the Horqueta-based Radio Azotey, disappeared on February 4. Galeano had reported on and criticized powerful political figures for corruption and involvement in narcotics trafficking. The Yby Yau prosecutor was investigating a possible connection between Galeano's journalistic work and his disappearance (see section 1.b.).

Application of libel law was irregular. Judges were biased toward plaintiffs and frequently ruled in their favor regardless of the merits of a case. Political figures used police or private security officers to threaten or intimidate journalists. On December 28, 2005, the Supreme Court unanimously agreed that ABC Color, a leading publication, was guilty of defamation against Senator Juan Carlos Galaverna of the

ruling Colorado Party. The case stemmed from a series of reports ABC Color published in 1997 and 1998 that identified Galaverna as an "influential trafficker" and a "looter." In 2001 and 2002 lower courts found ABC Color guilty of defamation, calumny, and slander. On January 5, the Inter-American Press Association said the Supreme Court's decision "limits the ability of the press to independently investigate alleged wrongdoing by public officials."

On February 27, private security officers working for alleged drug traffickers in Itapua Department shot at (but did not injure) Juan Agosto Roa, an ABC Color correspondent, while Roa was investigating the alleged traffickers. On March 2, the Paraguayan Journalists Union issued a declaration holding federal and Itapua government officials responsible for Roa's well-being. The Government's investigation was pending at year's end.

On December 7, Colorado mayoral candidate and journalist Julio Benitez Ruiz Diaz was killed at his home in Pedro Juan Caballero. Benitez lost the mayoral election to Jose Acevedo, the brother of Amambay Department Governor Roberto Acevedo. The case remained under investigation at year's end.

On several occasions, politicians and prosecutors publicly threatened journalists who revealed embarrassing information about them, typically related to corruption. In February during a radio interview in Ciudad del Este, police officer Ever Cantero threatened reporters who had written articles critical of him.

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 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.—Freedom of Assembly.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. In some cases, police violently dispersed illegal protests or assemblies.

On November 29, workers from the health sector protested the proposed health budget and blocked the Senate entrance, effectively preventing senators from leaving the building for several hours. Protesters and media observers accused the police of use of excessive force in dispersing the crowd.

On December 5, a controversial court ruling in the case of the Ycua Bolanos supermarket fire of 2004 turned a largely peaceful assembly of victims or their families into immediate rage and rioting in Asuncion. The National Police responded with force using rubber bullets, batons, water canons and throwing stones. The riot resulted in injuries to 52 civilians and 16 police officers, as well as the arrest of approximately 80 individuals.

The law restricts demonstrations in Asuncion to certain times and places and specifically prohibits meetings or demonstrations in front of the Presidential palace and outside military or police barracks. The law also requires that organizers notify the Asuncion police 24 hours before any rally downtown. In addition, the law prohibits public gatherings in the congressional plaza in Asuncion, the traditional focal point for many demonstrations, during daylight hours on workdays. The police may ban a demonstration but must provide written notification of the ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. This law does not apply to religious processions. The law prohibits closing roads as a form of protest, but demonstrators did so on many occasions during the year.

Several campesino organizations held demonstrations during the year. Members blocked several national highways, and campesinos invaded and occupied numerous rural properties, mainly calling on the Government to expropriate farmland for redistribution.

Freedom of Association.—The constitution provides for the right of citizens to free 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 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.

Societal Abuses and Discrimination.—Approximately 70 incidents of graffiti conveying messages or depicting symbols commonly associated with anti-Semitism and pro-Nazism occurred in Asuncion during January and February. Some of the graffiti was spray-painted on the private property of a well-known radio commentator of

Jewish descent and at the home of the Jewish son-in-law of an ABC Color newspaper executive. The Government investigated the incidents, but no arrests were made, and the case remained under investigation at year's end. There were approximately 350 Jewish families in the country.

For a more detailed discussion, see the 2006 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. 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.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 they feared persecution. The Government provided protection and granted refugee status to Cubans and Lebanese, on a case-by-case basis.

On November 14, seven Cuban refugees, who were rescued at sea, requested and received asylum after reaching the country. The International Organization for Migration (IOM), the Committee of Churches, a local NGO, and the Government all took part in relocating and resettling the refugees. The Government cooperated with the Office of the UN 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. The law mandates general elections every five 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, although the NGO Transparency Paraguay cited irregularities at several polling stations.

There are no legal impediments to women's participation in government and politics. There were 12 women in congress (four of 45 senators and eight 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 additional women holding ministerial rank and heading secretariats. The Electoral Code requires that 20 percent of each party's candidates in their internal primaries for elective office be women. On May 6, the Authentic Radical Liberal Party approved a requirement that 33 percent of its candidates be women.

Although there were no legal impediments to minority groups' participation in government and politics, there were no indigenous members of the legislature. An estimated 50 percent of the approximately 40,000 indigenous persons eligible to vote did so in the 2003 general elections, but members of some indigenous communities reported that they were threatened and prohibited from fully exercising their political rights, and indigenous persons continued to hold rallies protesting limits on their political and human rights.

In December the TSJE's director of technical information, responsible for overseeing administration of electronic balloting and voter's lists, was fired in response to pressure brought to bear by Colorado Senator Juan Carlos Galaverna.

Government Corruption and Transparency.—There was a widespread public perception of corruption in government. The NGO Transparency International reported that corruption remained a "serious" problem but showed some improvement during the year. Congress was perceived to be the most corrupt institution followed closely by the judiciary. The Government maintained working relationships with civil society organizations to promote transparency in the public sector.

In December the University of Asuncion released a comprehensive analysis of the fate of economic crime and corruption cases between 2001 and 2005 that revealed extraordinarily long delays at every step of the process, which in many instances greatly exceeded timeframes set by law. The analysis found that approximately 77 percent of the cases merely expired under the statute of limitations, indicating that

wealthy or well-connected defendants often simply played "beat the clock," filing motions that prevented legal progress and led to legalized impunity.

On July 23, Colorado Party Deputy Magdaleno Silva sought to lift a SENAD roadblock, which targeted drug traffickers in Concepcion. Silva allegedly had links to drug traffickers in the Departments of Concepcion and Amambay and interfered in judicial proceedings.

On June 5, a court sentenced former President Luis Angel Gonzalez Macchi to six years in prison for his involvement in the illegal transfer of $16 million from the liquidated Oriental Bank in 2000. The decision was overturned on appeal and was pending a final ruling by the Supreme Court at year's end. In a separate case, a court on December 4 sentenced Gonzalez Macchi to eight years in prison for illegal enrichment and providing false documents; that case remained under appeal, and Gonzalez Macchi remained under house arrest at year's end.

Government prosecutors opened a number of high-profile corruption cases including one against Colorado Deputy Victor Bogado, the President of the House of Deputies. In October Colorado Party deputies rejected a motion to lift Bogado's congressional immunity, effectively obstructing prosecution in the case.

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

Nearly 50 domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative with domestic and international NGOs; however, their response to the views and recommendations of the human rights groups was mixed.

Local NGO human rights groups included the Committee of Churches (an interdenominational group that monitored human rights, investigated refugee claims, and provided legal assistance), Grupo Luna Nueva (a group dedicated to the protection of children's rights), and Peace and Justice Service (SERPAJ), a group that defended conscientious objectors and provided legal assistance to those with grievances arising from military service. Transparency Paraguay, the local affiliate of Transparency International, monitored public perceptions regarding corruption. The CODEHUPY produced an annual report that highlighted abuses of police authority and other government agents or entities and mistreatment of military recruits.

The IOM developed reports on various migration problems including trafficking in persons. The International Labor Organization (ILO) produced reports on union labor activities, child labor, and indigenous labor issues. The UN Children's Fund (UNICEF) developed reports on children's health, education, labor, and living conditions.

Ombudsman Manuel Paez Monges remained the country's human rights advocate. The ombudsman's office operated generally without government interference; however, severe budgetary constraints hindered its operations and occasionally resulted in months-long delays in paying employees.

The director general of human rights, located in the Ministry of Justice and Labor, chaired the National Commission on Human Rights. The commission sponsored seminars to promote human rights awareness. The director general's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power, but the commission may forward information concerning human rights abuses to the Attorney General for action. It served as a clearing house for information on human rights.

The Foreign Ministry's human rights office organized an inter-ministerial roundtable on human rights that met periodically throughout the year. It served as a forum for human rights officials from various ministries and secretariats to coordinate their efforts and focused principally on combating trafficking in persons. Domestic and international NGOs also participated in the roundtable.

In November 2005 the Truth and Justice Commission issued a report holding the Stroessner regime accountable for 60 instances of human rights violations. Investigations continued into the more than 8,000 cases submitted, although resource constraints restricted the commission's effectiveness. The commission released its preliminary findings in December and projected issuing its final report in 2007.

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 most pervasive violations of women's rights involved sexual and domestic abuse. Spousal abuse was common. The Attorney General's Office reported that there were 12 domestic violence convictions during the year and many others

in process. Although the law criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal and then is punishable by a fine. Thousands of women were treated for injuries sustained in violent domestic altercations. Between January and August, the Secretariat of Women's Affairs recorded 1,004 cases of domestic violence. Despite an apparent trend toward increased reporting of complaints, such complaints were often withdrawn soon after filing due to spousal reconciliation or family pressure, including from the attacker who is often the spouse. According to the Attorney General's Office, in 13 years there have been only four cases prosecuted where the wife continued with the case. In addition, the courts allow mediation of some family violence cases, although not provided for in the law. The Secretariat of Women's Affairs' Office of Care and Orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's Office, and NGOs. Although these services were available only in Asuncion, the secretariat partnered with several NGOs in other cities to assist in the protection of victims. The NGOs provided health and psychological assistance, including shelter, to victims and communicated with the authorities on behalf of the victims. The secretariat also conducted training courses for the police, health care workers, prosecutors, and others in assisting victims of trafficking and domestic violence. In August the secretariat organized a conference attended by 248 police officers on protecting victims of domestic violence.

The NGO Women's November 25th Collective operated a reception center where female victims of violence received legal, psychological, and educational assistance. The NGO Kuna Aty also offered services to abused women. There were no shelters for battered and abused women outside of Asuncion. In April Asuncion's mayor opened the country's first municipal shelter to care for victims of domestic violence. The shelter has the capacity to provide housing, medical, social, and psychological support to 30 victims and their children.

The law criminalizes rape, including spousal rape, and provides penalties of up to six years in prison. According to the Office of the Attorney General, rape was a significant problem. During the year, there were more than 260 reported cases of rape in Asuncion and many more in the other departments. The Government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported because victims feared their attackers or were concerned that the law did not adequately respect their privacy.

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 of women, particularly underage prostitutes, remained a serious problem (see section 5, Trafficking).

The law prohibits but does not criminalize sexual harassment, and it remained a problem for many women in the workplace. While there are no penalties specifically for harassment, related violations of the law are punishable by fines and up to three months' imprisonment. Claims of abuse may be filed with the courts and the Ministry of Justice and Labor, but 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 job discrimination was widespread and widely tolerated. Women often were paid significantly less than men for the same work. The Secretariat of Women's Affairs occasionally sponsored programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities. According to CODEHUPY, unemployment rates for women (15 percent) were nearly double those for men (8 percent). Women generally were employed as domestic workers, secretaries, and in other traditional roles.

Children.—The law protects certain children's rights and stipulates that parents and the state should care for, feed, educate, and support children.

Public schooling was provided through the age of 17, and education was compulsory until the age of 14. According to the Ministry of Education and Culture, in 2005 the enrollment rate for children between the ages of six and 14 was 89 percent and 50 percent for those between the ages of 15 and 17. On July 19, the National Advisory Committee of Education and Culture reported that more than 230,000 adolescents between the ages of 15 and 17, or 60 percent of that age group, were not in school. The law entitles boys and girls to equal educational access; enrollment among girls at all ages was slightly greater than enrollment among boys. Rates of overall enrollment in urban areas were slightly higher than rates of enrollment in rural areas. Approximately 59 percent of indigenous children between the ages of six and 14 were enrolled in school. The national literacy rate was 92 percent.

According to UNICEF, 48 percent of children age 14 or younger lived in poverty (20 percent in extreme poverty), and 11 percent of those suffered from chronic malnutrition, with both figures trending upward. Boys and girls generally had equal ac-

cess to state-provided medical care. The Government provided free consultation for children under the age of five, but medical services must be paid by the parent or guardian.

Abuse and neglect of children was a serious problem. A local NGO attributed a rise in the number of complaints of mistreatment of children to the increased awareness of child abuse and neglect. The Government has a National Plan to Prevent and Eradicate the Exploitation of Children. The Secretariat of Children and Adolescents is responsible for this five-year program, for identifying and providing assistance to abused and neglected children, and for educating the public to prevent abuse. According to the Institute of Comparative Studies in Punitive and Social Sciences and UNICEF, 2,573 children lived in 56 shelters largely because of poverty. Some children in these facilities were victims of sexual abuse.

Sexual exploitation of children also was a problem. UNICEF reported that two-thirds of sex industry workers were minors, the majority of whom began working between the ages of 12 and 13. In addition, UNICEF reported frequent sexual exploitation of the 40,000 criadas (domestic servants) between the ages of six and 12 (see section 6.d.). In April the ILO estimated that during 2005 more than 3,500 children between the ages of five and 17 years of age had been sexually exploited in Ciudad del Este and that there were 250 minor girl prostitutes in the city.

During the year the Secretariat of Children and Adolescents registered more than 25,000 children not previously included in the Civil Registry; the secretariat estimated that more than 600,000 children remained to be registered. The secretariat also participated in or organized programs related to combating trafficking in persons, abuse of children, and child labor issues, such as children who are domestic servants.

There were reports of trafficking in girls for the purpose of sexual exploitation (see section 5, Trafficking).

The Government requires that all military officers responsible for recruiting ensure that all conscripts meet the legal minimum age of 18.

Child labor was a problem (see section 6.d.).

Trafficking in Persons.—Although the law prohibits trafficking in persons, persons were trafficked from and within the country for sexual purposes.

Anecdotal evidence suggested that several hundred women and children were trafficked abroad annually. There were no estimates available on the extent of trafficking within the country because the Government kept no relevant statistics, and the extent of international trafficking was unknown. The Government reported there were 64 confirmed victims of international trafficking in 2005. According to the IOM, the trafficking of women and children in the country increased 27 percent in the last five years. On July 5, the country's ambassador to Spain announced that more than 1,500 Paraguayan prostitutes, many believed to have been trafficked, lived in Spain.

Most victims came from the rural interior of the country, particularly the departments of Alto Parana, Canindeyu, Caaguazu, and Itapua, which border Argentina and Brazil and where international organized crime groups had a heavy presence. The borders were very porous, and there were few border officials. Within the country, victims were trafficked primarily to the two largest cities, Asuncion and Ciudad del Este; the most significant foreign destinations were Argentina and Spain; smaller numbers of victims went to Brazil. Trafficking victims within the country worked in the sex industry. Underage girls reportedly also were forced to work as criadas, both domestically and in neighboring countries. According to the Secretariat for Children and Adolescents, many of these children were sexually abused. 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.

The trafficking of women and children for sexual exploitation was a high-profit, low-risk activity for traffickers who moved easily across the borders with Argentina and Brazil. The traffickers took advantage of the poor who lived in the border departments, promising women, and in many cases young 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 conditions and actual job.

On several occasions, Spanish and Argentine police rescued Paraguayan women from brothels, where they had been forced to work as prostitutes. In June governmental authorities announced that Spanish police rescued 39 Paraguayan female trafficking victims. In May and June, Spanish police raids on clubs in four cities discovered 146 women working as prostitutes, many of whom were Paraguayan.

In July three victims returned from Argentina with the assistance of IOM. The women had been promised jobs as waitresses and hotel workers, but upon arrival

in Buenos Aires they were informed they were to work as prostitutes. They later escaped with assistance from a local good samaritan.

The law punishes trafficking in persons with up to 10 years in prison; the law also forbids compelling anyone to travel outside the country or to enter the country for the purpose of prostitution or compelling a minor under 18 to work as a prostitute. At year's end, there were more than 50 transnational cases under investigation, 23 of which had entered judicial proceedings. 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. Others remained at-large and were still sought by authorities. The Secretariat of Women's Affairs noted it processed 53 female victims during the year, nine of whom were minors.

The Secretariats of Women's Affairs and Children and Adolescents were responsible for combating trafficking, and the Secretariat for Repatriations had a mandate to assist victims who were trafficked abroad; however, the secretariats' small budgets limited their effectiveness. Foreign governments and international organizations provided additional assistance.

On September 6, police arrested Bolivian citizen Jorge Antonio Cortes Villena for recruiting young girls to work in Santa Cruz, Bolivia, as prostitutes. Other members of Cortes' group who were arrested included Bolivian citizen Ramiro Noguer Garcia and Paraguayan citizens Juana Rocio Adorno Silguero and Jorge Kraufer Gimenez. The case remained pending at year's end.

On July 27, authorities arrested Claudia Lorena Martinez and Andres Eligio Ponce, both of Spanish descent, for trafficking children to Spain. Because of their Spanish ancestry, the couple had no trouble taking the children to Spain where they were to be adopted for $6,000 to $10,000 per child. The case remained pending at year's end.

The case of Carolina Maidana Duarte, who was extradited from Spain in July 2005 for her involvement in the trafficking of Lurde Resquin, was closed because the victim, whose testimony is required, left the country; Carolina Maidana Duarte was released from custody.

Resource constraints limited government assistance to trafficking victims. Victims received some legal, medical, and psychological support for limited periods of time. The Government's primary focus in protecting victims was the repatriation of its own citizens. Provision for the physical and mental health of those repatriated, as well as for their transportation home, was limited. The lack of resources also prevented periodic follow-up after repatriation.

The Itaipu Binational Authority, a public utility company jointly owned by the country and Argentina, supported the NGO Children's and Adolescents' Care and Assistance Center, which operated a hot line and shelter for trafficking victims in Ciudad del Este.

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 Secretariat of Women's Affairs with foreign government and NGO support, sought to prevent women and girls from becoming victims of trafficking.

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. Nonetheless, many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for persons with disabilities, and most of the country's buildings, public and private, were inaccessible.

The Ministry of Health noted that half of all children with disabilities did not attend school because public buses could not accommodate them. Many bus drivers reportedly refused boarding to persons with disabilities or required them to be accompanied.

Conditions for the more than 400 residents at the Neuropsychiatric Hospital in Asuncion remained substandard, and patients continued to have inadequate physical and mental health care. Parasitic and skin infections were widespread, and outbreaks were not treated effectively. Children continued to be housed in the institution, despite the Government's pledge to move them to placements in the community. The Government took minimal steps to implement reforms that it had committed to undertake in a March 2005 agreement with the NGOs Mental Disability Rights International (MDRI) and Center for Justice and International Law. According to MDRI, the Government remodeled the hospital and increased its budget; however, patient treatment had not improved. In addition, the hospital remained severely overcrowded.

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 neglected. Low wages, long work hours, infrequent payment (or nonpayment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination were common. Weak organization and lack of financial resources limited access by indigenous persons to the political and economic system. The law protects the property interests of indigenous people, but these rights were not fully codified. The law allows public ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land hindered the ability of indigenous groups to progress economically and maintain their cultural identity. In addition, 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.

Other significant problems facing the indigenous population included lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention slowed progress in dealing with these problems.

On June 30, leaders from the country's 10 indigenous nations founded a National Indigenous Movement with the goal of advancing their rights and working to gain political representation. In September the leaders presented candidates for the November municipal elections, but none of them were elected.

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 without government interference, and 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.

All unions must be registered with the Ministry of Justice and Labor. Although the official registration process was cumbersome and could take more than a year, the Ministry of Justice and Labor issued provisional registrations within weeks of application. Employers who opposed the formation of a union can delay union recognition by filing a writ, but almost all unions requesting recognition eventually received it.

The law prohibits antiunion discrimination, but it was not always enforced. Harassment of some union organizers and leaders in the private sector continued. Fired union leaders may seek redress in the courts, but the labor tribunals were slow to respond to complaints. A number of cases involving union leaders fired as many as nine years ago remained pending in the courts. Although the courts typically favored employees in disputes, backlogs in the judicial system delayed cases for several years. As a result, most employees could not afford the time and expense of seeking judicial redress. The courts were not required to order the reinstatement of workers fired for union activities. In some cases, when judges ordered the reinstatement of discharged workers, employers continued to disregard the court order with impunity. The failure of employers to meet salary payments also frequently precipitated labor disputes.

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 due to fear of reprisal or anticipation of government inaction.

b. The Right To Organize and Bargain Collectively.—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; however, the agreements typically did little more than reaffirm minimum standards established by law. When wages were not set in free negotiations between unions and employers, they were made a condition of individual offers of employment.

Although the law provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism rarely was em-

ployed. Senior Ministry of Justice and Labor officials were available to mediate disputes.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of the strikes were related to management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. Others were directed at broader economic problems.

There are no export processing zones. Factories that assemble imported parts for re-export (maquiladoras) operated in the eastern part of the country. The Mercosur trade association accepted the country's maquiladoras into its automotive regime. The country's labor laws apply to maquila 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). Unlike last year, there were no reports of conscripts forced to work for military officers in their private enterprises.

d. Prohibition of Child Labor and Minimum Age for Employment.—The director general for the protection of minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws. In practice the Government did not enforce minimum working age regulations, and child labor was a problem in both the legal and illegal economy of the country.

Minors between 15 and 18 years of age may work only with parental authorization and may not be employed in dangerous or unhealthy conditions. Children between 14 and 15 years of age may work only in family enterprises, agriculture, or apprenticeships. The Labor Code prohibits work by children under age 14. On April 28, the ILO reported that more than 322,000 children participated in various economic activities and an additional 687,000 did domestic work, mostly in rural areas.

The 2001 census reported that 5 percent of the workforce was under the age of 14. According to the NGO Organization for the Eradication of Child Labor (COETI), 265,000 children, or 13.6 percent of those between the ages of five and 17, worked outside their homes, many in unsafe conditions. In supermarkets, boys as young as age seven bagged and carried groceries to customers' cars for tips. Thousands of children in urban areas (an estimated 15,000 in Asuncion alone) many of them younger than 12 years of age, were engaged in informal employment, such as selling newspapers and sundries and cleaning car windows. Many of the children who worked on the streets suffered from malnutrition and disease and lacked access to education. Despite new initiatives to combat child street labor, exploitation and abuse of children persisted.

According to the Secretariat for Children and Adolescents, many of 40,000 criadas were also sexually abused. Some employers of the estimated 11,500 young girls working as criadas in Asuncion denied them access to education and mistreated them. In rural areas, children as young as 10 years of age often worked beside their parents in the fields; according to COETI, 88 percent of rural children in the labor force worked at home or with family members. Local human rights groups did not regard families harvesting crops together as an abuse of child labor. UNICEF reported that 25 percent of children between the ages of 10 and 17 worked, of whom almost 50 percent were below age 15. Forty-seven percent worked on family farms, 22 percent in construction, 13 percent work in the street, and 11 percent operated machinery or were artisans. The children worked approximately five hours per day. According to the General Office of Statistics, Surveys, and Census, 2005 statistics indicated that economic participation by those ages 10 to 14 increased to 16.4 percent.

While the Government took some steps in implementing its 2003 plan to eliminate child labor, including the worst forms of child labor, these efforts have not been accompanied by strong public institutions and programs nor translated into changes of social practices.

e. Acceptable Conditions of Work.—The Ministry of Justice and Labor established a mandatory national private sector minimum wage, approximately $221 per month (1.198 million guaranies), sufficient to maintain a minimally adequate standard of living for a worker and family. According to an analysis by the local economic think tank Foundation for Sustainable Development (FSD), the median wage in the formal economy was $165.45 (893,430 guaranies) per month, reflecting lower public wages, but in the informal sector the median wage was $36.36 (196,344 guaranies) per month, which is well below the mandated minimum. FSD estimated that 80 percent of workers were employed in the informal sector with urban poverty rates on the rise.

There was no public sector minimum wage. In practice most government agencies paid government workers on an hourly basis at a rate comparable to the private

sector minimum wage. The minimum salary is adjusted whenever annual inflation exceeds 10 percent. However, the Ministry of Justice and Labor did not enforce the minimum wage and estimated that 50 percent of government workers earned less than the minimum wage, while 48 percent of private sector workers earned less. 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.

The law allows for a standard legal workweek of 48 hours (42 hours for night work), with one day of rest. The law also provides for an annual bonus of one month's salary and a minimum of six 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 on excessive compulsory overtime. Workers in the transport 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 also stipulates 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 formally. While there are laws intended to protect workers who file complaints about such conditions, many employers took disciplinary action against such workers.

PERU

Peru is a multiparty republic with a population estimated at 28 million. On June 4, Alan Garcia of the Popular Revolutionary Party Alliance (APRA) won the presidency in elections that were generally free, fair, and transparent. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the Government continued efforts begun during the Toledo administration to expand and consolidate labor law and to prosecute those responsible for gross human rights violations.

The terrorist organization, Shining Path (Sendero Luminoso), was responsible for killings and other human rights abuses.

The following human rights problems were reported: beatings, abuse, and torture of detainees and inmates by police and prison security forces; inability to protect witnesses involved in criminal cases; poor prison conditions; prolonged pretrial detention and inordinate delays of trials; attacks on the media by local authorities and organized crime; violence and discrimination against women; violence against children; including sexual abuse; trafficking in persons; discrimination against indigenous people and minorities; significant obstacles to persons with disabilities; failure to either apply or enforce labor laws; 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.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On January 24, the Penal Court on Anticorruption extended the time limit for detention without sentencing in the La Colina case involving 56 military officers charged with participating in the massacre of civilians at Barrios Altos in 1991, La Cantuta in 1992 and del Santa in 1992 and the disappearance of Pedro Yauri in 1992. The accused had been detained for 36 months, and the court extended their detention for another 36 months.

On February 20, authorities filed homicide charges in criminal court in Huanta against two military officers in the 2004 case of Peter Vasquez Chavez, a 23-year-old recruit found dead at the Cangari Huanta Military Base in Ayacucho.

On March 16, the International Commission on Human Rights presented the La Cantuta case to the anticorruption court and asked that army officers be retried for the murder of nine students and a professor at the National University of Education in 1992.

On May 31, the National Penal Court charged policemen Flavio Roberto Vasquez Burga and Walter Ochoa Magallanes for their role in the death of Ricardo Huaringa Felix, who died in police custody in 2004. According to the Inter-American Commis-

sion of Human Rights, witnesses in the case continued to receive threatening phone calls.

On June 16, a mass grave containing 80 bodies was discovered in Pichari in northern Cusco. The Public Ministry began investigating the case.

On July 12, superior prosecutor Luz Ibanez Carraza notified the Government that he would begin investigations into 516 cases of alleged human rights violations committed by the state over the past 20 years.

In August the prosecutor's office dropped the case against Alan Garcia and members of his cabinet for their alleged roles in the 1986 El Fronton prison massacre. (Garcia's first term as President lasted from 1985–1990). The Human Rights Commission (COMISEDH) appealed the decision, and the First Supraprovincial Court continued investigating the possibility of issuing charges against the officials allegedly responsible for the loss of life at El Fronton.

On August 20, the Second Supranational court began an investigation into charges that former President Alberto Fujimori ordered the killing of 41 members of Shining Path in May 1992 at the Ramon Castro penitentiary.

On August 21, opposition leader Ollanta Humala was charged with human rights violations and was prohibited from leaving the country. Humala was charged with participating in disappearances, torture, and murder at the Madre Mia military base in 1992.

On October 11, the Superior Attorney of the Third Penal Court on Anti-Corruption asked for sentences of 20 years for former Intelligence Service Director Vladimiro Montesinos, former Armed Services Chief General Nicolas Hermoza, Colonel Roberto Huaman, and Colonel Jesus Zamudio, who remained in custody. The case involved charges of extrajudicial killings in the 1997 rescue of 74 hostages at the Japanese ambassador's residence.

The court of Puquio in Ayacucho continued investigations into the role of four military officers in the 2004 death of Army Corporal Edgar Ledesma Lopez, who was found dead in his barracks.

On April 26, oral proceedings began in the National Criminal Court for the 1980 case of eight peasants in Chuschi, who were reportedly tortured and killed by soldiers. In 2004 the Supreme Court of Justice had ruled that civilian courts should try the soldiers because the case involved allegations of human rights violations. The proceedings continued at year's end.

On October 13, a civilian court in Lima found Abimael Guzman, the 71-year-old leader of Shining Path, guilty of terrorism. Guzman received a life sentence, as did Shining Path's second-in-command, Elena Iparraguirre. Nine other Shining Path leaders received lesser prison sentences.

b. Disappearance.—According to the Peruvian National Police (PNP), the terrorist group Shining Path killed five police officers and eight civilians and were responsible for 92 serious terrorist incidents during the year. Unlike in 2005, there were no reports of kidnappings committed by the Shining Path.

On March 21, PNP Colonel Juan Carlos Mejia Leon was sentenced to 16 years in prison for the 1990 kidnapping and disappearance of Ernesto Rafael Castillo Paez. Two low-ranking military officials and an officer were sentenced to 15 years in prison while 12 others were absolved of the crime. At year's end the defendants were appealing the decision.

On July 21, the Public Defender's Office officially recognized that 150 cases of missing persons were actually political disappearances. The Public Defenders office continued its investigations into an additional 941 cases.

There were no new developments in the trial of 11 policemen for the 2003 disappearance of Andy Williams Graces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, reports surfaced of excessive use of force by security officials. The authorities seldom punished those who committed abuses.

Allegations of torture most often arose immediately following an arrest, when families were prohibited from visiting suspects and when attorneys had limited access to detainees (see section 1.d.).

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 COMISEDH, a nongovernmental organization, some victims were reluctant to pursue judicial proceedings for fear that abusers would be released without being charged. COMISEDH reported 13 cases of aggravated torture by security forces. Three victims died from their wounds. The PNP were involved in seven cases. Municipal security units were involved in two cases, as were penitentiary guards and military units, for a total of six cases.

On February 7, authorities filed homicide charges in criminal court in Huanta against two military officers in the 2004 case of Peter Vasquez Chavez, a 23-year-old recruit found dead at the Cangari-Huanta Military Base in Ayacucho.

On February 15, the national superior penal prosecutor charged five police officers for the crime of simple torture. Oral proceedings began in the National Penal Court.

On February 21, the presiding judge in Ancash found six prison guards guilty of beating inmate Alfonso Valle Oquendo in 2002. The defendants' continued their appeal in the superior court.

On March 31, 20 police officers allegedly beat Luis Alberto Saravia to death. The Public Defender's Office continued to investigate the case.

On April 3, Cristhian Rolangelo Contreras Atco charged that three policemen had beaten him unconscious. The Fifth Supraprovincial Penal Prosecutor of Lima continued its investigation into the case.

The April 2005 case of the alleged police beating of Wilmer Cubas Carranza remained at year's end in the preliminary investigation stage with the Second Supraprovincial Prosecutor of Lima.

In June the Public Defender's Office began an investigation into the May 28 riot at La Asuncion prison in Junin. Guards were accused of allowing prisoners access to alcohol and prostitutes within the penitentiary and of beating prisoners after the riot.

In July the director of Sarita Colonia Prison, Manuel Vμsquez Coronado, allegedly beat inmate Samuel David Flores Valdivia. An investigation by the Fifth Prosecutor's Office of Callao continued at year's end.

The 11th provincial prosecutor of Lima's Northern Cone continued to investigate the case of army soldier Misael Mendoza Carrion, who was allegedly beaten by a superior officer in 2004 and suffered a loss of hearing.

The National Penal Courts absolved the policeman involved in the 2002 beating of Jair Martin Rodriguez and his brother. COMISEDH appealed the decision to the Supreme Court.

Prison and Detention Center Conditions.—Prison conditions were harsh. Prisoners with money had access to cellular telephones, illicit drugs, and meals prepared outside of 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 one dollar (3.18 soles) per prisoner per day for food. At Lima's San Juan de Lurigancho men's prison, the country's largest; more than 8,500 prisoners lived in a facility built for 1,500. The National Penitentiary Institute (INPE), with support from the Red Cross (ICRC) and the NGO Doctors without Borders, provided diagnostic equipment and updated technology to improve the healthcare services provided to inmates.

The INPE runs 55 of the country's 84 prisons; the PNP controls the rest. In June the congress passed laws requiring the INPE to take charge of all prisons within three years. Congress also authorized INPE to hire 400 additional prison guards.

The 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 Government responded to criticisms from human rights monitors, including Amnesty International, and permanently closed the Challapalca Prison in Tarata, Tacna in 2005. The Yanamayo prison in Puno was also closed. 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 victimized and abused prisoners. 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.

The total prison population was 35,600 (33,200 males), only 11,200 of whom 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.

In June Jose Gamboa Mendoza, director of the Piedras Gordas penitentiary was caught on tape negotiating bribes. By year's end Gamboa is in prison awaiting trial

The Government permitted prison visits by independent human rights observers, including the ICRC. The ICRC made 74 unannounced visits to inmates in 46 different prisons, detention centers, and juvenile detention facilities.

In July the Human Rights Ombudsman and the Institute of Legal Defense (IDL) released a report stating that 75 of 84 prisons were in poor condition and that 12 had reached a critical state of overcrowding, with populations 300 per cent larger than intended. The report called for improving prison infrastructure by building two more prisons, increasing the budget for existing prisons, eliminating corruption, and reducing sentences for thousands of detainees held for petty crimes.

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. In cases of terrorism, drug trafficking, or espionage, 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 90,385, is responsible for all areas of law enforcement and functions under the authority of the Ministry 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.

Observers noted that the PNP was undermanned and suffered from a lack of training, professionalism, and an inability to counter criminal activity or fulfill its responsibilities, such as witness protection. Corruption and impunity remained problems. On December 4, minister of interior Pilar Mazzetti estimated that 20 percent of PNP officers were corrupt.

On July 13, the PNP and Interior Ministry completed work on a human rights training manual, which was distributed to all police academies and stations in the country. The manual teaches the latest techniques for conducting arrests, disbursing crowds, and controlling riots while emphasizing the importance of respecting human rights.

The PNP is charged with witness protection for the entire country. The witness protection law is thorough and well written, but the PNP lacked resources to provide training for officers, conceal identities, and offer logistical support to witnesses. Officers assigned to witness protection cases often brought witnesses into their homes to live. COMISDH was processing 106 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 averages 20 hours. Judges then have two 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 15 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.

In practice, 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 31 percent of the persons in prison had been sentenced, with 69 percent awaiting trial. If prisoners are held more than 18 months without being sentenced—36 months in complex cases—under the 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.

The three-tier court structure consists of lower courts, superior courts, and a Supreme Court of Justice of 30 judges. 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 seven 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, call witnesses, and be represented by counsel, although in practice the public defender system often failed to provide indigent defendants with qualified attorneys. Defendants may appeal verdicts to the superior court and then to the Supreme Court of Justice.

Under the military justice system, judges in the lower courts must sentence and pass judgment 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 five days. At the Superior Military Council and Supreme Council levels, a significant number of judges are active-duty officers with little or no professional legal training.

In 2004 the Constitutional Tribunal ruled that the military-political commands created to maintain order during states of national emergency were unconstitutional. A commission created by the executive branch continued to make the revisions necessary to bring the Code of Military Justice in line with this decision.

The Special Terrorism Court, in accordance with decisions of both the Inter-American Commission on Human Rights and the Constitutional Tribunal, continued to retry defendants previously convicted by military tribunals. The National Penal Court found 768 persons guilty and absolved 236 persons. At year's end between 20 to 25 cases were still pending. Approximately 77 percent of individuals tried were found guilty; 23 percent were absolved. Approximately 1,400 persons remained in prison 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 the Shining Path in the 1980s and 1990s. The court had a total of 47 cases; 26 involved active investigations.

The NGO, IDL continued its efforts to reduce the large case backlog involving those officially sought for acts of terrorism. In November the IDL complained about the slow pace of judicial investigations, noting that 389 judicial investigations, most dating from before 2002, were ongoing and that no member of the military had been convicted of human rights violations, suggesting members of the armed forces may not be punished for human rights violations.

More than 9,000 invalid arrest warrants for terrorism, involving more than 1,500 persons, were eliminated as a result of IDL's efforts.

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. Nonetheless, significant problems affected this branch, which has been a frequent target of reform efforts. 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 and/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.

COMISEDH received no reports of forced military recruitment.

The Shining Path continued to coerce indigenous persons to join its ranks (see section 5).

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 were, however, reports of press harassment by provincial authorities and by private groups such as coca growers (cocaleros). Harassment took the form of attacks on journalists, illegal arrests, and threats of judicial action.

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 reportedly suffered intimidation. The National Journalists Association reported 133 cases of harassment (mainly in the provinces). The Press and Society Institute issued 298 alerts. Both statistics were higher than the figures for 2005. The majority of incidents took the form of violent attacks, threats, judicial pressure, illegal arrests, and theft of broadcasting equipment and of journalists' files. Many cases occurred for lack of an effective government presence in parts of the country, a factor that rendered journalists vulnerable to attacks.

There were approximately 70 incidents in which government authorities were reported to have harassed reporters.

On January 6, police officer Javier Matta allegedly beat Jorge Catanded, a reporter with Lima's Channel 5 television news program 24 Horas, as he was filming a prison riot at Miguel Castro prison.

On January 9, the mayor of Nuevo Chimbote, Valentin Fernandez, sued Alfonso Ego, the editor of Channel 4's Sunday program Cuarto Poder, and reporters Raul Tola and Carola Miranda for defamation, for broadcasting a report accusing the mayor of using public funds to help finance President Garcia's 2006 Presidential campaign.

On February 28, Carlo Magna Pasqual, the manager of the San Martin Provincial Municipality, tried to hit two reporters filming a protest in Tarapoto with a motorcycle.

On March 8, Justion Montes, the mayor of the Chavin de Huantara District in Huari, Ancash, attacked three reporters who had tried to interview him about a missing electrical generator.

On March 9, police captain Bernardo Andrade attacked Walter Acuna, a radio journalist. Acuna was reporting from the scene of a violent confrontation between police and protestors near the Tumbes River.

On March 18, journalists Rory Huaney and Carlos Miranda of Huaraz said that Jean Carlos Leon, the son of Yungay Mayor Amaro Leon, had made death threats against them for their reporting on the legal case against their father. In 2004 the mayor had allegedly asked David Moises Julca to kill journalist Antonio de la Torre. Moises was acquitted of the charges, but Leon received a 17-year prison sentence in December 2005. On July 12, Leon was released from prison and acquitted of the charges. De la Torre's widow then brought charges against the Government to the Inter-American Commission on Human Rights for the release and acquittal of Leon. Leon failed to win re-election in November.

Congressman Jorge Mufarech's 2004 lawsuit against Correo journalist Pedro Salinas for alleged defamation continued. In 2004 a court acquitted Salinas, but Mufarech appealed the decision.

The Pucallpa court continued its investigation into the 2004 killing of radio announcer Alberto Ramirez.

On July 25, Francisco Rodriquez, a radio journalist, was beaten by a worker of the municipality of Huaraz. Rodriquez was attacked while interviewing the mayor, Lombardo Motion.

On August 9, television reporter Ronald Marquez said he received death threats after reporting the illegal purchase of a motorcycle by police.

On August 23, two armed men entered the radio station Alegra in Huarez and threatened Angel Duran, who had criticized Caesar Alvares, a candidate for regional President.

On August 24, Superior Prosecutor Pedro Angulo brought charges against journalist Humberto Ortiz for concealing a tape of an interview. Angulo subsequently sought and received political asylum in the United States.

On September 11, three journalists accused police captain Manuel Vareda, of Huaranchal police headquarters, for seizing equipment and for preventing them from completing an interview at Ciena mining company.

The defamation case against foreign reporters Jane Holligan and Sally Bowen, filed by alleged narcotrafficker Fernando Zevallos, continued at year's end.

On March 19, Adam Pollca, a friend of President Toledo, withdrew his 2001 defamation suit against journalist Alvaro Vargas Llosa.

On April 5, television reporter Marilu Gambini left the country after receiving death threats. Gambini had investigated businessmen involved in drug trafficking.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individual and groups engaged in the free expression of views via the Internet, including the use of electronic mail. The chief impediment to Internet access was a lack of infrastructure.

The Government led a campaign to promote e-commerce, focusing on educating the public on investing money over 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.

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.

During the year the Human Rights Ombudsman reported 98 individual cases of social unrest in 2006; social unrest precipitating conflict was continuing in 12 of these cases at year's end.

On May 28, 250 PNP officers clashed with 3,500 cocaleros protesting coca eradication in the town of Puerto Pizana, San Martin. Nine farmers and nine policemen were injured. The Ombudsman's Office was continuing an investigation at year's end.

On August 2 in Cajamarca, demonstrators protesting the proposed expansion of the Yanacocha mine clashed with security guards; one protestor was killed, and mining operations were suspended. The local government brokered an agreement between the mine and local communities that ended the protest on September 3.

On September 11, 37 persons (31 police and six civilians) were injured in Campanilla, San Martin, when cocaleros tried to stop eradication efforts. The police officers were injured by protestors throwing bricks. Police used rubber bullets and tear gas to disperse the protesters.

In October the Government officially formalized the Multi-Sector Commission for the Prevention of Social Conflicts to anticipate, prevent, and contribute to the resolution of dangerous conflicts.

Demonstrations against outgoing Apurimac Regional President Rosa Suarez turned violent in December. One person was killed and the Government declared a 30-day state of emergency on December 6. Opposition parties accused Suarez of illegally transferring money belonging to the city of Abancay.

The Ombudsman's Office continued to issue monthly reports noting the prevalence of rural unrest regarding a variety of issues, including mining operations, border disputes between communities, strikes, and road blockages.

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.

Laws favoring the Roman Catholic Church remained in force. The Catholic Church and clergy received extra benefits from the Government in education, salary, and taxation of personal income and institutional property. 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 schools. Parents may request an exemption by writing to the school principal.

Although Catholicism remains the official state religion, Protestantism has grown throughout the country, and approximately 15 percent of the population identified themselves as non-Catholic Christians. Protestants gained high-level leadership positions in society.

Churches may register voluntarily with the Office of Ecclesiastical 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. The 4,000-member Jewish community was integrated into the larger society.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although the law provides for the right of free movement, authorities may restrict persons with pending criminal cases or civil charges from leaving the country. Police have the right to check documents at control points throughout the country.

The 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 engage in such activity.

Although the law prohibits the revocation of citizenship, naturalized citizens may lose their citizenship for committing crimes against the state or for jeopardizing national defense or public security, as well as for reasons that "affect the public interest and the national interest."

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 they feared prosecution, and laws exist allowing individuals to apply for refugee status or asylum.

The Government cooperated with the UN 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 political refugees on a renewable, year-to-year basis, in accordance with CMC recommendations. The CMC granted refugee status to 47 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.—On July 28, Alan Garcia Perez assumed the presidency after two rounds of Presidential elections that were free and fair. The two principal parties represented in the 120-member congress were the Union for Peru and Nationalist Party of Peru coalition with 42 seats and the President's party, APRA, with 36 seats.

Nationwide municipal elections were held November 19. Independent candidates captured 21 of 25 regional governments and the majority of provincial capitals. Only 26 out of 194 incumbent mayors were re-elected. APRA won only two of the 25 regional governments (down from 12) and only one provincial capital. The party of Presidential runner-up Ollanta Humala of the Nationalist Party of Peru won no regions and only one provincial capital. The new regional leaders came to power with limited support and highly divided councils, complicating an already fragmented political system. 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 one per cent of the voters who participated in the past election. Presidential and congressional terms are five 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 35 women in the congress, including the President and two vice-Presidents. No female regional Presidents were elected in 2006, compared to three in 2002. Five out of a total of 194 mayors were women. There were six women in the cabinet, and there was one woman on the Supreme Court of Justice. 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. Twenty-three Quechua speakers and one Aymara speaker were elected to the national congress. One congressman was a native speaker of the indigenous Chipiyo language.

One congressperson represented the Afro-Peruvian minority, estimated at 3 to 5 percent of the population, but no Afro-Peruvians were in the cabinet.

Government Corruption and Transparency.—Corruption remained a serious problem, and widespread public perception existed that corruption was pervasive in all branches of government.

From 1991 to 2000, authorities accused 1,742 persons of corruption and released 1,541. Approximately 43 percent of the remaining cases were in the instruction or investigation stage as of October. Since 2001, 8,598 total cases of corruption have been processed at the state level. 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. During the year, authorities detained 43 persons and placed another 37 under house arrest.

The law provides for public access to government information, and most ministries and central offices provided key information on Websites. 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.

The Government did not act on a request by the Peruvian Press Council (CPP) to modify the Law of the National Intelligence System, enacted in 2005. The CPP said the law defined national security in ambiguous terms and mandated excessive prison terms for the publication of confidential government information.

Section 4. Governmental Attitude 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 on December 8, 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 contains loosely worded provisions that could require NGOs to align their development programs with those of the Government and gives the Government wide discretion to impose sanctions. NGOs planned to appeal the law to the Constitutional Tribunal.

According to COMISEDH, military commanders continued to deny access to military facilities to human rights observers. To obtain information about activities in those areas, NGOs had to work through the Ombudsman's Office.

The Government continued to implement recommendations in the 2003 Peruvian Truth and Reconciliation report and established a commission of reparations to identify those persons who had suffered during the conflict with the Shining Path between 1980 and 2000 and were eligible for reparation. The Government also identified 562 communities that have suffered from the violence and required some type of compensation. On October 24, the Government created the National Council for Reparations to aid the victims of the violence from 1980 through 2000. The law provides for a percentage of taxes from mining companies to help fund the reparations.

A human rights Ombudsman's Office exists and operated without government or party interference.

The Government continued to seek extradition of former President Fujimori from Chile to face charges of human rights abuses and corruption.

In October Prime Minister Jorge del Castillo requested that the Office of the National Electoral Process investigate the charge that Ollanta Humala received four million dollars (12.7 million soles) from the Venezuelan government for his campaign. There was no movement on an investigation by 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, 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 prohibits domestic violence, and penalties range from one month to six years in prison. The law gives judges and prosecutors the authority 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 five days and obliges authorities to extend protection to women and children who are victims of domestic violence.

Ministry of Women and Social Development (MIMDES) centers reported 25,036 cases of domestic violence. The centers helped an average of 2,067 men and women per month. MIMDES also operated a toll-free hot line, which handled 7785 requests for assistance regarding family disturbances during the year.

Women's organizations noted that alcohol abuse and traditional attitudes toward women aggravated the problems of rape and sexual abuse, particularly in rural areas. On November 30, the World Health Organization reported that 69 percent of women said they had suffered from some form of physical violence in their lives.

MIMDES and NGOs stated that many domestic abuse cases went unreported. NGO sources stated that the majority of reported cases did not result in formal charges because of fear of retaliation or because of the expense of filing a complaint. The legal and physical 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 39 centers, bringing together police, prosecutors, counselors, and public welfare agents together 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. However, female community leaders, former members of congress, and local media outlets launched awareness campaigns to provide citizens with more information about domestic violence.

The law criminalizes rape, including spousal rape, and the Government enforced the law effectively. The law provides penalties for those who derive financial benefits from trafficking in persons, Internet child pornography, and sexual tourism involving children. Penalties for procurers and clients of underage prostitutes range from four to eight years in prison.

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 (see section 5, Trafficking).

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. Racial and sexual discrimination in employment or educational advertisements is prohibited, although in practice discrimination continued. The law prohibits the arbitrary dismissal of pregnant women.

Traditional assumptions often impeded access to leadership roles for women in both the public and private sectors. Women from the upper and upper-middle classes have assumed leadership roles in companies and government agencies; by law they receive equal pay for equal work, but because of societal prejudice and discrimination, women historically suffered disproportionately from poverty and unemployment.

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 jungle regions. The Ministry of Education provided books to all public schools. An estimated 12 percent of children did not attend schools, for a variety of reasons; the most common was a desire work to help the family economically. Children living in poverty averaged 7.8 years of education, compared with 9.4 years for children living above the poverty line. The 2004 National Institute of Statistics and Information report, for 2004, indicated a decline in the rate of extreme poverty, from 33 percent in 2002 to 26 percent in 2004. Based on 2005 population data from the National Institute for Statistical Information (INEI), 55 percent of children from three to five years old attended school, 92 percent of children ages six to 11 and 69 percent of adolescents between 12 and 16. Absenteeism was highest in rural and jungle areas.

The Education Ministry operated night schools for working adolescents and offered a tutorial program where teachers provided extra help to working students. The ministry also began a program to teach children their rights, in order to lessen the incidence of exploitation.

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 included children not attending school. Boys and girls had equal access to health services under this system.

The Ministry of Health led a vaccination campaign against rubella and estimated that 90 percent of citizens were vaccinated.

Violence against children and the sexual abuse of children were serious problems. MIMDES reported that there were 544 cases of violence or sexual abuse of children five years of age and under and 1,067 cases of children ages six to 11.

NGOs noted that 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.

The Children's Bureau of MIMDES coordinated government policies and programs for children and adolescents. At the grassroots, 1,312 Children's Rights and Welfare Protection Office 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 remaining 54 percent. Law students staffed most of the units; only the offices in the wealthiest districts of the country had professionally trained lawyers, psychologists, and social workers. When these offices could not resolve disputes, officials usually referred cases to the local prosecutors' offices of the Public Ministry. Settlements adjudicated by these offices were legally binding and had the same force as judgments entered by a court of law.

Trafficking of children was a problem (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

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 NGOs and international organizations reported that significant domestic trafficking occurred, notably in districts located in the highlands or in the Amazon jungle. These activities brought underage women into cities to work as prostitutes or domestics.

The trafficking took place through informal networks, including family friends, boyfriends, and even the families of the victims. Trafficking to Spain, and particularly to Japan, operated through organized criminal networks.

Trafficking laws provide penalties from five 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 eight years old, the punishment is 10 to 15 years' imprisonment. Laws prohibiting kidnapping, sexual abuse, and illegal employment of minors were also enforced and used to punish those who trafficked persons. Press reports estimated there were 700 underage prostitutes working in Lima.

The PNP repeatedly raided clandestine brothels, resulting in the rescue of 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 sexual exploitation and related crimes. The PNP unit that investigates trafficking crimes reported four cases through July that were passed to prosecutors for further investigation and trial.

In February Arndt Huber Kupper, a German citizen, and his wife Eva La Torre Alonso de Kupper, a Peruvian, were arrested for trafficking children to Europe.

In July the PNP arrested Carlos Arturo and 20 others for trafficking infants to France. In July charges were brought against seven of the accused; the other cases remained under investigation at year's end.

Prosecutors were processing six cases from 2005. On December 27, Edwin Sanchez Aguilar was convicted of trafficking in persons for the purpose of sexual exploitation. He received a 10-year jail sentence and must pay $1,550 (5,000 soles) to each of his three victims. The PNP arrested Sanchez in March for domestic and international trafficking of women from the northern highlands. This case was the only trafficking trial or conviction reported during the year.

The Government coordinated its antitrafficking activities with NGOs. A Catholic order of nuns, 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's Institute for Adolescents and Children provided the building in Callao and paid for upkeep, utilities, and food.

On March 13, the Ministry of Interior established a nationwide, toll-free trafficking crimes hot line within its Office of Human Rights, which received an average of 1,000 calls per month. Approximately 15 percent of the calls could be considered trafficking related. The hot line staff also received support from the International Organization for Migration (IOM). The IOM provided assistance for informational campaigns and training of government officials in trafficking issues.

The NGO Capital Humano y Social designed and installed, in eight police districts, a computerized tracking system for trafficking cases. PNP officers were

trained to operate the system and instructed on the law enforcement aspects related to trafficking crimes.

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; however, the Government devoted limited resources to enforcement, and many persons with disabilities remained economically and socially marginalized.

The law prohibits discrimination in the workplace, but the Government did not fund programs to train workers with disabilities. As a result, persons with disabilities and the private agencies serving them generally relied on public charity and on funding from international organizations to maintain programs.

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. On May 25, the Government published a law requiring public organizations and universities to make Web pages available to the blind by employing software that would read pages aloud. The law gave institutions 120 days to implement changes or face a $2,000 fine (6,500 soles). Observers worried that the law, while well-intentioned, might not be enforced.

Two persons with disabilities served in Congress.

According to officials of the Institute for Social Security, less than 1 percent of persons with severe disabilities actually work. Some private companies operated programs to hire and train persons with disabilities, and a private foundation provided small loans to persons with disabilities to start businesses. Nevertheless, discrimination remained a problem.

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-Peruvian civil rights groups contended that official surveys did not accurately reflect their numbers. 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. Although the law prohibits discrimination against customers in stores, discriminatory practices against Afro-Peruvians continued. 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. 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 UN 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.

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 non-indigenous 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 causes conflict between mining interests and indigenous communities.

On October 23, the Government and the Argentine-run oil company, Pluspetrol signed an agreement with the Native Federation of the Corriente River to end the dumping of contaminated oil waste into the rain forest by July 2008. The regional

government of Loreto would contribute $11 million (35 million soles) and Pluspetrol $40 million (127 million soles) to finance the basic needs of the population in the area.

In the congress, native speakers of Quechua conducted some debate in Quechua (translators were available for non-Quechua speakers).

The Shining Path continued to violate the rights of indigenous persons by coercing individuals into its ranks as military conscripts and by demanding war taxes.

Other Societal Abuses and Discrimination.—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 one million citizens, including at least 312,000 women, however, lacked identity documents and could not fully exercise these rights. An estimated 15 percent of births were unregistered, and 95,000 persons each year are born without a birth certificate. Poor indigenous women and children in rural areas were disproportionally 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 have 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.

Homosexuals faced extensive discrimination, although homosexual rights gained a higher profile. On July 16, for the fifth year, hundreds of persons, including public officials, union leaders, lesbians, homosexuals, and bisexuals marched in downtown Lima.

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.

Many businesses, contracted workers who are legally not permitted to participate in the same unions as full-time employees. Although the law forbids businesses from hiring more than 20 percent of the workforce as temporary workers, some unions reported that some employers hire excess temporary workers.

While the law establishes fundamental rights for domestic workers, the Ministry of Labor possessed limited ability to enforce these provisions.

The local office of the AFL-CIO reported that during the year union membership grew by approximately 0.5 percent of the labor force.

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 made it difficult to use. In an effort to address this complaint, on July 4 then President Toledo signed a supreme decree designed to cap arbitrators' fees to prevent employers from unilaterally changing previous collective bargaining agreements. The decree also establishes a system for defining arbitrator compensation. The Ministry of Labor estimated that the new system would reduce arbitration costs by 50 percent, but unions feared that the reduction may not be enough to speed arbitration. In the past, arbitrations often lasted two years or longer.

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 Labor Ministry in advance before carrying out a job action. According to the Labor Ministry, four legal strikes and 49 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 economy.

There are four EPZs and no recognized unions in the EPZs. All labor in the EPZs was sub-contracted and no utilities (profit-sharing mechanisms) existed.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including labor by children; although there were reports of such practices (see section 5).

On May 12, the International Labor Organization (ILO) stated that nearly 30,000 persons are involved in forced labor in Peru, particularly in the logging industry located in the Amazonia provinces.

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, if they obtain special permission from the Labor Ministry and certify that they are attending school, children between 12 and 14, however, may work in certain jobs for up to four hours per day. In practice, child labor remained a serious problem, and the laws were violated routinely in the informal sector.

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 (see section 5). Credible press reports surfaced that illegal loggers employed forced labor in the Amazon region.

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.

In January the Ministry of Labor created a special Office of Labor Protection for Minors (PMT). The PMT issued permits authorizing persons under age 18 to work legally. The PMT granted 1,326 permits for jobs in the formal sector to children between 12 and 17. The majority of permits, 1,086, went to children between 16 and 17. Parents must apply for the permits, and employers must have a permit on file to hire a child. The PMT conducts on-site inspections to ensure compliance with the legal codes.

INEI estimated that 2.3 million children between 6 and 17 years of age were engaged in work; 1.9 million worked in the informal sector.

The Santa Filomena mine in Ayacucho eliminated child labor during the year.

Forms of child labor varied. In rural areas, many children worked on small farms with their parents, in the mining sector, or as domestics. In urban areas, children often worked on the streets providing entertainment, selling candy, begging, shining shoes, or scavenging in municipal dumps. 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.

Employers frequently required long hours from domestics and paid wages as low as $20 to $30 (75 to 105 soles) per month.

NGOs and other observers maintained that the country suffered a serious problem with adolescent prostitution, although no reliable statistics existed. To combat child prostitution in Iquitos, a popular tourist destination, the Government created a video warning of the legal sanctions against child prostitution (see section 5).

The Ministry of Labor is responsible for enforcing child labor laws, and its inspectors have the legal authority to investigate reports of illegal child labor. Inspectors conducted routine visits without notice to areas where child labor problems were reported. Firms found guilty of 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 236 labor inspectors, with 150 working in Lima. Inspectors focused on the formal sector.

The Office of the Ombudsman for Children and Adolescents (DEMUNA) works with the Ministry of Labor to document complaints regarding violations of child labor laws. More than 1,000 thousand DEMUNA offices were located in commu-

nities throughout the country. DEMUNA also operated a decentralized child labor reporting and tracking system to insure compliance with the Palermo Protocol. MIMDES administered a "street educator" program, which sent specialized teachers to the streets to provide education and support to minors involved in begging or work as shoe-shiners.

In 2004, Peru's Labor Ministry inaugurated a pilot program in Lima to provide legal assistance to domestics regarding labor rights. In 2006, the Labor Ministry signed a contract with the Center of Social Studies and Publications to expand the project beyond Lima over the next five years. At year's end 23 practitioners had been trained to register and train domestic laborers under this program.

Narcotics traffickers routinely violated the rights of children by using them to produce illegal drugs. 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.

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 January 1 the minimum wage was increased on January 1 from $134 (426 soles) to $153 (486 soles) per month. Many workers in the formal sector received the minimum wage, which was based on a 48-hour week. 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. INEI's 2004 survey showed the poverty line at $80 (254 soles) a month per person in Lima, compared with $57 (181 soles) for the rural regions in the Amazon jungle. The Ministry of Labor enforced the minimum wage only in the formal sector, less than 25 percent of the labor force, and many workers in the unregulated informal sector received less.

Inspectors made 33,874 visits to work sites and levied 4,500 fines for violations of labor laws, including child labor laws. With regard to health and safety violations, inspectors made approximately 4,800 visits and levied fines against 182 firms.

The law provides for a 48-hour workweek and one day of rest and requires companies to pay overtime for more than eight hours of work per day and for 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.

In May the Labor Ministry issued a decree compelling businesses to maintain a registry of employee hours to ensure workers received overtime. The law also requires employers to document a 45-minute lunch break and to make these records available to workers and union representatives.

Occupational health and safety standards exist, and the Government attempted to enforce them. Nevertheless, the Government often lacked the resources, ability, or authority to enforce compliance with labor laws. The Labor Ministry's budget for fiscal year was reduced by $5.1 million (16 million soles). Local AFL-CIO officials 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 Labor Ministry lacked an efficient tracking system.

To address these concerns, the Government issued a supreme decree in July designed to strengthen and professionalize labor inspections by establishing standards and a national office to oversee the inspection process. The laws also created a separate office to collect funds.

In cases of industrial accidents, compensation was usually determined by an agreement between the employer and worker. The worker did not need to prove an employer's culpability in order to obtain compensation for work-related injuries.

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 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, lack of opposition access to government-controlled media, 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 one person. Authorities had not made any determination regarding possible culpability in this killing by year's end.

On October 1, police shot and killed Nigel Langley Sweeney after he fired shots at them, killing one police officer. According to media reports, the officers were responding to a report of a robbery in progress when the suspect, who had been the focus of a nationwide manhunt, opened fire on them. According to the assistant police commissioner, police conduct internal investigations whenever warranted, but there is no time frame in which the investigations must be completed.

The investigation and inquests into 2005 killings by police of Rechalieu Henry and Garnet Tyson had not yet been completed 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, and there were no reports that government officials employed them. Corporal punishment is legal; a court can order that an accused person receive lashes if found guilty.

Prison and Detention Center Conditions.—Prisons were overcrowded, and resources remained limited. The prison on Saint Kitts had a capacity for 150 prisoners but held 204 prisoners at year's end, including three women; some prisoners slept on mats on the floor. There were separate facilities for men and women. A low-security prison on Nevis held 33 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 complaints against members of the police force, and criminal offenses were referred to the director of public prosecutions.

Arrest and Detention.—Police may arrest a person based on the suspicion of criminal activity without a warrant. 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 is a functioning system of bail. Family members, attorneys, and clergy were permitted to visit detainees regularly.

There were 43 prisoners in pretrial detention and 17 awaiting a court hearing at year's end. Detainees may be held for a maximum of seven 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. 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.

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.

While the independent media were active and expressed a wide variety of views, the opposition People's Action Movement (PAM) party continued to allege that the ruling SKNLP blocked PAM's access to the government-controlled media. The PAM acknowledged, however, that it had access to independent media outlets.

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 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 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.

Rastafarians complained that the use of marijuana, an aspect of their religious ritual, was prohibited.

Societal Abuses and Discrimination.—Rastafarians complained of widespread 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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice.

The law does not address forced exile, but the Government did not use it.

Protection of Refugees.—The country is a signatory of the 1951 UN 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 they feared persecution, but did not routinely grant refugee status or asylum.

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 elections held on the basis of universal suffrage.

Elections and Political Participation.—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 PAM party won one seat after nearly five years without representation. The Concerned Citizens Movement (CCM) 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. During and after the election, government information services touted the SKNLP and criticized the opposition.

The island of Nevis exercises considerable self-government, with its own premier and legislature. In July voters in Nevis ousted incumbent Vance Amory and elected Joseph Parry of the NRP as premier.

A multiparty political system existed, in which political parties were free to conduct their activities; however, the PAM continued to allege that the ruling party restricted access to the media (see section 2.a.). The PAM also alleged widespread employment discrimination by the SKNLP against public sector employment of persons perceived to be PAM supporters.

The governor general appoints three senators, two on 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 member of parliament and the President of the House of Assembly were women.

Government Corruption and Transparency.—There were a number of allegations of corruption in the Government. The opposition PAM party continued to allege corrupt electoral practices and brought a civil law suit against an SKNLP candidate. In July the High Court dismissed the case for lack of compelling evidence.

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 Attitude 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.—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) and/or six months in prison. Although many women were reluctant to file complaints or pursue them in the courts, the Department of Gender Affairs reported 29 cases of domestic violence during the year, commensurate with the average of 25–30 reports received during each of the last few years. The departmental 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. There is no central database of the reports, and she plans to create a mechanism to centralize all the reports. The department 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 department's permanent secretary participated in a weekly radio program to discuss gender issues, including domestic violence.

The law prohibits rape, but does not address spousal rape. Penalties for rape range from two 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 seven years' imprisonment. Incest with a person 16 or older carries a penalty of 20 years' imprisonment.

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 did. The Department of Gender Affairs conducted programs addressing poverty and health and promoting institutional mechanisms to advance the status of women and attain leadership positions for women. One such program, the Viola Project, focused on teenage mothers and enabled them to finish their education and learn life skills. According to the UN Children's Fund, there were over a dozen participants from five high schools, and six alumnae of the program were studying in higher education institutions. The program had strong support from the private sector and was being expanded to include fathers as well.

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.

The Government provides free medical care for children.

Child abuse remained a problem. The law sets the age of consent at 16. Authorities brought charges in two cases involving alleged sexual activity with minors (indecent assault). Unlike the previous year there were no charges of incest (which includes sexual activity with any member of the household).

According to the police, juveniles committed 10 percent of crimes detected in the country, including malicious damage, possession of controlled drugs, larceny, robbery, shooting with intent, and attempted murder.

Trafficking in Persons.—While no laws address trafficking in persons specifically, there were no reports that persons were trafficked to, from, or within the country.

The country continued an economic citizenship program, whereby foreign investors were permitted to purchase passports through loosely monitored procedures requiring an investment of at least $250,000 (EC$675,000) in real estate and an additional registration fee of $35,000 (EC$94,500) for the head of household (amounts varied for other family members). This process reportedly facilitated the illegal immigration of persons from China and other countries to North America, where, in some instances, criminal organizations that provided the funds to such persons forced them to work under conditions similar to bonded labor until the debt was repaid. The Government denied any knowledge of illegal immigration facilitated through this program and asserted that applicants were screened adequately.

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.

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 end of the sugar industry, which was largely unionized, caused a drop in union membership. 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 (SKTLU), was associated closely with the SKNLP and was active in all sectors of the economy. The opposition PAM party alleged that the ruling party used its influence to stifle other unions that would threaten the SKTLU in the workplace.

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 one 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 for 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. Foreign companies that recently opened reportedly discouraged workers from organizing.

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.

Prisoners were required to work if their sentence was more than 30 days and stipulated "hard labor." They received a small stipend for this work, paid upon discharge.

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 made 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. Many workers supplemented wages by keeping small animals such as goats and chickens, or other activities. 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 five 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 over 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 on December 11, 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. 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.—Although the Government or its agents did not commit any politically motivated killings, security forces killed three persons during the year.

On September 15, an officer shot twice and killed 20-year-old Troy Jn Jacques. According to the press, eyewitnesses claimed that Jn Jacques posed no threat to the police but was shot deliberately and with intent to kill. The official police report, however, claimed that police were attempting to arrest Jn Jacques for two burglaries that happened previously that day and that Jn Jacques pulled a knife on the police while resisting arrest. At year's end the police investigation was complete, and the case was before the director of public prosecutions (DPP).

On October 21, two plain-clothes police shot at a commuter bus with shotguns, killing 70-year-old Maurison Flavius and wounding two other passengers. The police officers tried to flag down the bus and opened fire when the bus did not stop. According to eyewitnesses, the driver and passengers did not know the armed men were police officers. The police explained that the officers involved were responding to information about a bus with an armed passenger in possession of illegal drugs. On November 16, authorities charged the officer who appeared to have caused the fatality with manslaughter by recklessness. The other officers involved remained on administrative leave while the police continued the investigation.

On November 17, police shot and killed escaped convict Perry Jules in a gun battle. At year's end the investigation was complete, and the case was before the DPP.

At year's end the Criminal Investigations Department (CID) was still investigating all four police killings that occurred in 2005.

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, prisoners and suspects regularly complained of physical abuse by police and prison officers. During the year citizens filed 200 complaints against the police, 96 of which were for assault, 28 for threats or harassment, 18 for abuse of authority, 20 for negligence, and eight for damaging property.

On January 3, authorities arrested a police officer and charged him with wounding a member of his community. A court later convicted the officer.

On May 13, authorities arrested an officer and charged him with two counts of causing harm, two counts of uttering threatening words, two counts of unlawful assault, and two counts of assault. At year's end this case was still before the court.

On September 23, a police officer shot and wounded a 17-year-old boy who was causing a disturbance. At year's end the case was still under investigation.

Of the 146 complaints made in 2005, only 26 were still under investigation at year's end. Most of the completed investigations were dropped by the complainants or the police department. Where necessary, the police followed internal disciplinary procedures.

At year's end the CID was still investigating a July 2005 incident in which a police officer shot Brian Felix during an argument.

Prison and Detention Center Conditions.—Prison conditions generally met minimum international standards at the three-year-old Bordelais Correctional Facility, which had a capacity of 500 prisoners and held approximately that number. There were complaints regarding the treatment of prisoners at the facility.

On January 30, the Visiting Justices, an independent investigative body appointed by the Government to oversee and represent inmates in matters of allegations, concluded an investigation into the September 2005 beating of Wilson Exhale. According to the report, the police officer who beat Exhale was acting in self-defense in response to a lashing out by Exhale.

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. It held 30 juveniles between 12 and 18 years of age. Of these, 11 were housed for criminal offenses, including four for murder, and 18 for protection from domestic problems. The boys in the program normally stay for two 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, who visited early in 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 932 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. The police commissioner continued a community policing initiative to increase professionalism, prevent crime, and address customer service issues. 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.

In October the Government contracted 10 police officers from the United Kingdom to enhance intelligence capacity, develop research and development capability, and improve management systems and processes.

There were rumors of corruption in the police force but little evidence (see section 3).

Arrest and Detention.—The law 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 nearly 500 prisoners at Bordelais Correctional Facility were on remand awaiting trial. Those charged with serious crimes spent an estimated six months to four years in pretrial detention.

e. Denial of Fair Public Trial.—The law 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 authority. 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 law provides for public trials, including trial by jury, before an independent and impartial court and, in cases involving capital punishment, provision of legal counsel for those who cannot afford a defense attorney. While there was no requirement for a speedy trial, the Government used the magistrate's court located in the prison to reduce processing time for court hearings after detention. In criminal cases not involving capital punishment, defendants must obtain their own legal counsel. 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. Authorities observed both constitutional and statutory requirements for fair public trials.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

On November 7, parliament repealed a section of the criminal code commonly referred to as the "spreading false news" clause. According to then-prime minister Kenny Anthony, even those who supported the law accepted that it was difficult to obtain a prosecution under it.

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 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 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.

Rastafarians complained that the use of marijuana, an aspect of their religious ritual, was prohibited.

In April authorities remanded to custody a person accused of attempting to kill the Eastern Caribbean's Roman Catholic archbishop. The accused was to be sent for psychological evaluation before being formally charged. Government officials denounced the attack as reprehensible and called for tolerance among religious groups.

Leaders from the Church of Jesus Christ of Latter-day Saints and Muslim leaders reported difficulties receiving official government recognition while the Government was revising its policies on registration of churches. The issue was still pending at year's end.

Societal Abuses and Discrimination.—Some evangelicals allegedly criticized Catholics and mainline Protestants for adherence to "slave religions" and for not accepting a literal interpretation of the Bible. Muslim leaders claimed that some recent converts to Islam hid their new religion from non-Muslim friends and family to avoid criticism and discrimination. Rastafarians complained of widespread discrimination, especially in hiring and in schools.

There were no other reports of societal abuses or discrimination, including anti-Semitism. There was no organized Jewish community.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The country is not a signatory to the 1951 UN 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 they feared persecution, but did not routinely grant refugee status or asylum.

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.

Elections and Political Participation.—On December 11, Sir John Compton's UWP defeated Kenny Anthony's SLP by winning 11 of 17 seats and 52 percent of the popular vote. According to electoral observer missions from both the Organization of American States and the Caribbean Community, the elections were generally considered free and fair.

Four women competed in the elections in a field of 38 candidates for 17 seats, but none were elected to the House of Assembly. The appointed speaker of the house was a woman. There were two women in the 11-member appointed Senate, one of whom served as President of the Senate. Of the 15 members of the cabinet, one was a woman, as was the governor general.

Government Corruption and Transparency.—The public perception of corruption in government was reportedly low, although there was a belief that obtaining public sector jobs was linked to political ties and cronyism.

There were rumors of corruption in the police force, but little evidence. The strongest statement on police corruption came from former minister of home affairs and internal security Velon John. In an address to parliament on October 24, John dismissed the police force as absolutely corrupt, irreversibly undisciplined, and altogether useless.

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 Attitude 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. Although the Government officially cooperated with such investigations, observers noted occasional reluctance by government officials to cooperate, as well as occasional retaliatory harassment following critiques of the Government.

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.—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 filed 460 cases by year's end. The Ministry of Health, Human Services, Family Affairs, 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.

On January 12, Feliciana Charles and her daughter Maquina Charles were killed by Feliciana's common-law husband following a heated argument. On July 8, Sherry Ann Mayers was stabbed several times and killed by her male companion. The murder was witnessed by Mayers' six-year-old son. Both perpetrators were awaiting trial at year's end.

On May 15, Anthony Beaubrun was charged with abusing his common- law wife by punching her several times in the face on the steps of a probation office on April 18. The court sentenced him to pay $100 (EC$250) to his common-law wife and one year's probation. The magistrate also sentenced Beaubrun to attend anger management sessions, to abstain from alcohol during probation, and said that he faced two months in prison if he broke his probation.

The ministry's 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 37 women and 129 children during the year. One of the greatest successes of the center was its ability to keep its location a secret, enhancing the security of the women at the center. The center

also engaged in an active community outreach program that included visits to schools, health centers, and community centers. 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 approximately 100 cases of physical violence, incest, nonpayment of child support, alcohol and drug abuse, homelessness, custody, and visitation rights.

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 order 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. Of the 460 cases of domestic violence lodged with the family court during the year, 316 resulted in protection orders and 25 resulted in occupation orders.

Rape, including spousal rape, is a crime punishable by 14 years' to life imprisonment. Police and courts enforced laws to protect women against abuse, although police were hesitant to intervene in domestic disputes, and many victims were reluctant to report cases of domestic violence and rape or to press charges.

The police force conducted some training for police officers responsible for investigating rape and other crimes against women. A special police unit handled domestic violence, and its officers, who included women, worked closely with the Ministry of Home Affairs and the Gender Relations Division in the Ministry of Health, Human Services, Family Affairs, and Gender Relations.

Prostitution is illegal, but it was a growing problem. Although there was little evidence, various organizations reported rumors of trafficking tied to prostitution. In response, the Government began training sessions and established a network of assistance for victims (see section 5, Trafficking).

Sexual harassment is prohibited under the criminal code; however, 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 enjoy equal rights, including in economic, family, property, and judicial matters. Women's affairs were under the jurisdiction of the Gender Relations Division of the Ministry of Health, Human Services, Family Affairs, and Gender Relations. The ministry was responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment. In May the Government fulfilled its first five reporting obligations under the UN Convention on the Elimination of Discrimination Against Women.

Children.—The Government gave high priority to improving educational opportunities and health care for children.

Education was compulsory from age five through 15; registration fees were required. The Ministry of Education reported attendance rates of 92 percent for primary school-age children and 86 percent for secondary school-age children. In September the Government initiated universal secondary education, upgrading senior primary schools to secondary schools and starting construction on two additional secondary schools.

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. During the year the Division of Human Services of the Ministry of Health, Human Services, Family Affairs, and Gender Relations reported 83 cases of child sexual abuse, 81 cases of physical abuse, 22 cases of psychological abuse, and 83 cases of neglect and abandonment, all in the Castries office alone (the division has two other regional offices). The media criticized the Government for failing to respond sufficiently to reports of sexual abuse of children, including alleged cases of incest. As 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.

On January 27, a court sentenced Gerald Joseph to five years in prison for indecent assault of a 12-year-old girl in 2003. On June 13, a judge convicted George Labadee on four counts of incest for multiple incidents of forceful intercourse with his daughter in 2003. The court sentenced him to 15 years' imprisonment, but he appealed his case.

On June 21, media reported that a 14-year-old girl had been repeatedly and severely abused by her police officer father and stepmother. Abuse of the child was

both physical and verbal and included such humiliation as being forced to urinate in the yard rather than in the house. Neighbors became involved when the child was found running down the street with a badly bruised and bleeding back. They contacted the Caribbean Association for Feminist Research and Action (CAFRA) for assistance and then took the child to the police for protection. As soon as the police realized she was the daughter of a police officer, they returned her to her father, an action that outraged the neighbors because of the number of times they witnessed abuse. With CAFRA's assistance, the girl was placed in her aunt's custody while her father and stepmother were investigated. The case was still under investigation at year's end.

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. Furthermore, the division was involved with public outreach in schools, church organizations, and community groups. In November the division ran a foster care and adoption awareness campaign simultaneously with the Saint Lucia Medical and Dental Association's "Good Touch, Bad Touch—Know the Difference" sexual abuse awareness campaign.

CAFRA also was involved with child abuse issues. In July CAFRA began a hot line for families suffering from different forms of abuse. In October CAFRA held a counseling skills workshop for the hot line volunteers. Through the hot line, CAFRA learned of various cases of sexual abuse that were never reported to the police. For example, a mother called in to report that her daughter's 82-year-old grandfather was molesting her nine-year-old daughter. Another mother called to report that her children were first sexually abused by their father, and when she confided in her boyfriend's brother for help, he began abusing the children as well.

Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked to, from, 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.

The Government acknowledged that, despite a lack of documented cases of trafficking, surveys and media reports indicated that it occurred. The country had a growing sex tourism industry with a number of strip clubs and brothels, many of which were staffed by women from the Dominican Republic and other Caribbean islands.

In October the Gender Affairs Division participated with the International Organization for Migration in training on identifying and assisting trafficking victims in preparation for Cricket World Cup, which will be held in the Caribbean in 2007.

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 for the blind up to the secondary level. There also was a school for persons with mental disabilities.

In August 2005 14-year-old Kevin Jn Baptiste took the Common Entrance exam for secondary school but was unable to attend his assigned school because it could not accommodate his wheelchair. Baptiste and his mother spent months trying to find a way for him to attend school, and he was allowed to retake the Common Entrance exam on August 15. He began classes at a different school that month but needed help from students to climb the stairs to his classes. In September the school principal declared that the school could no longer accommodate Baptiste. Reports conflicted as to whether his expulsion was due to the strain on the school from assisting with Baptiste's mobility or if it was related to alleged behavioral problems.

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 five-year program to combat HIV/AIDS. The UN 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 these zones.

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 larger, stronger, 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 office 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. In June the Government named members of the commission responsible for setting a minimum wage, but it had not finished its work by year's end.

The legislated workweek is 41 hours, although the common practice was to work 40 hours in five 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 were only two qualified inspectors 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 election observers assessed as generally free and fair. The opposition questioned the results in several constituencies citing what they considered to be unfair electoral procedures. 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 arbitrary or unlawful killings.

In February 2005 a police officer shot and killed Selwyn Moses, and in December 2005 another officer shot and killed Joel Williams. Authorities investigated both cases, and at year's end they were before the director of public prosecution.

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, a local human rights group noted that a high percentage of convictions were based on confessions. The nongovernmental organization (NGO) St. Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that most confessions, including false confessions, resulted from unwarranted police practices, including the use of physical force during detention, illegal search and seizure, and failure to inform properly those arrested of their rights. The SVGHRA complained that the Government failed to investigate adequately allegations of abuse or punish those police officers responsible for such abuses.

During the year citizens filed 27 complaints of assault, 12 complaints of disrespect, and six 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 six police officers, and hearings were pending. All other cases were still under investigation.

The April 2005 incident of police officers beating Leon Burgin while in custody was still under investigation at year's end.

Prison and Detention Center Conditions.—Prison conditions remained poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 377 inmates in a building originally designed for 75, but which after being renovated, was intended to hold approximately 150 inmates. These conditions resulted in serious health and safety problems.

On January 16, the Government opened the Belle Isle Prison Farm that allows inmates to learn and work on the farm on a daily basis. Despite such reforms, problems such as endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, an increase in the incidence of HIV/AIDS, and unhygienic conditions persisted. The prison also suffered from corrupt prison staff who commonly served as a source of drugs, weapons, and cell phones. Furthermore, the SVGHRA reported that prison guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison.

The Fort Charlotte prison held 10 female inmates in a separate section designed to hold 50 inmates. 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, a center that takes in boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Of the 30 boys at the center, the majority were there 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, all of whom were law enforcement officers who could be rotated among the various parts of the 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 requires arrest warrants in most instances, 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.

Although there were only three official magistrates, the registrar of the High Court and the presiding judge of the family court effectively served as magistrates when called upon to do so. Lengthy delays occurred in preliminary inquiries for serious crimes.

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.

In February Sharon Morris-Cummings' contract as President of the family court was not renewed; she is married to an activist opposition politician. Although the Judicial and Legal Services Commission of the Eastern Caribbean officially renews contracts of magistrates, a number of observers alleged government involvement in this decision, speculating that the sole reason Morris-Cummings' contract was not renewed was her marriage to the opposition politician. As evidence, the observers pointed out that Morris-Cummings was widely considered a very good magistrate during a time when there was a shortage of magistrates. No public explanation was given as to why she was not reappointed, and the notice that her contract would not be renewed did not provide any reason for the action.

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. A backlog of pending cases continued, because the magistrate's court in Kingstown lacked a full complement of magistrates. A local human rights group reported that magistrates were overworked and underpaid.

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.

A government official alleged that the Government conducted wiretapping, which the Prime Minister denied. Other than the original statement, there was no evidence of such occurrences.

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.

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 were a number of accounts of the Prime Minister or other officials rebuking the press for comments critical of the Government. In 2005 the Government prosecuted and convicted leading radio talk show host and opposition figure Eduardo Lynch for making false statements likely to cause public alarm. Lynch appealed the conviction, but on March 20 the Eastern Caribbean Court of Appeal upheld it. Lynch paid a $1,200 (EC$3,000) fine in May.

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 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 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.

Rastafarians complained that the use of marijuana, an aspect of their religious ritual, was prohibited.

Societal Abuses and Discrimination.—Rastafarians complained that there was widespread discrimination against their members, especially in hiring and in schools. Tension continued to exist among some Christian denominations, with evangelical Christians allegedly criticizing Catholics and mainstream Protestants for adhering to "slave religions." Baha'i representatives noted that some followers hid their religious affiliation to avoid criticism and discrimination.

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—Although the country is a signatory of the 1951 UN 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 they feared persecution, but did not grant refugee status or asylum.

On January 11, the Prime Minister and cabinet practiced non-refoulement by issuing official residence status to two Haitians. According to the Prime Minister, the two women, who had been living in the country for over a year before receiving official status, worked for ousted Haitian President Jean-Bertrand Aristide and feared they would be killed if they returned to Haiti.

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. The NDP intended to challenge the results in court but chose not to because of legal technicalities. The nonpartisan SVGHRA also reported irregularities and questioned the ability of international observers to declare the election free and fair, citing the limited period of time that observer missions from both the Caribbean Community and the Organization of American States were in the country. The NGO specifically criticized the observers for failing to remain until all votes were counted. The elections produced no change in the makeup of the 15-seat parliament, with the ULP maintaining its 12 to three majority over the NDP.

There were two women in parliament and three women in the cabinet—the minister of education, the minister of urban development, labor, culture, and electoral matters, and the Attorney General.

Government Corruption and Transparency.—Although the country had a national anticorruption plan, corruption remained a moderate problem. There was anecdotal evidence of corruption and nepotism in government contracting.

The law provides for public access to information, and the Government provided such access in practice.

Section 4. Governmental Attitude 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. Government officials generally were responsive, but the SVGHRA reported that its complaints regarding allegations of police brutality typically received perfunctory re-

sponses from the Government. The SVGHRA continued to monitor government and police activities, particularly with respect to treatment of prisoners, publicizing any cases of abuse. The SVGHRA participated in training seminars. 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.—Violence against women remained a serious problem. The law does not criminalize domestic violence but rather provides protection for victims of domestic violence. 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 learn 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.

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 eight to 10 years. The possible sentence of life imprisonment was very rarely used. On October 17, a court sentenced Alonzo Lewis to three years' probation for raping a 15-year-old girl in 2004. The public was mystified and dismayed by this sentence, much lighter than usual for rape. During the year the police investigated 50 cases of rape, 29 cases of carnal knowledge (or rape of a minor), and 67 cases of indecent assault.

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, of the secondary school-age children, 79 percent were in secondary school while 21 percent 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.

On February 22, a court sentenced 20-year-old Augustus Caine-Andrews to 18 months' incarceration for sexually assaulting a 14-year-old boy on February 5. On March 3, 49-year-old Myron Brazel was sentenced to two concurrent three-year sentences for abducting and indecently assaulting a six-year-old girl in May 2005. On August 23, a young woman was treated at Milton Cato Memorial Hospital for abuse

by a male, adult relative. The woman beat her younger sibling with a belt, which angered the male relative who then beat the young woman. However, the family chose not to bring charges against the perpetrator.

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 the circumstances for such persons generally were 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, which had two branches. A separate, small 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 that societal discrimination against homosexuals and persons with HIV/AIDS occurred.

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 Protection of Employment Act provides for compensation and worker rights, but these were restricted to protection from summary dismissal without compensation and reinstatement or severance pay if unfairly dismissed. This act protects workers from dismissal for engaging in union activities and provides them with reinstatement rights if illegally dismissed.

b. The Right To Organize and Bargain Collectively.—Although the law permits unions to organize and bargain collectively, and the Government protected these rights in practice, 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 one year.

e. Acceptable Conditions of Work.—The Wages Council, which is supposed to meet every two 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, including attendants, packers, cleaners, porters, watchmen, and clerks. 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 493,000. After generally free and fair elections in May 2005, the New Front Plus government, a coalition of eight parties, was formed. On August 3, 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.—Although the Government or its agents did not commit any politically motivated killings, security forces killed two persons during the year.

In October a court sentenced a police officer to eight years' imprisonment for the January shooting of a 16-year-old barbershop apprentice during an argument.

In April police shot and killed a man who fled after robbing a supermarket. A police investigation concluded that there was no wrongdoing on the officer's part and cleared the officer of all charges.

In July a court convicted a police officer of manslaughter, sentenced him to one year in prison, and suspended him from the police force for two years for the fatal shooting in February 2005 of a 5-year-old girl while attempting to break up a fight between two men. It was determined that the officer was under the influence of alcohol when the incident occurred.

There were no developments in the 2004 case in which two officers shot and killed a defenseless suspect.

In accordance with a June 2005 ruling by the Inter-American Court of Human Rights that found the Government guilty of human rights violations in the 1986 massacre of at least 39 civilians at the N'Djuka Maroon village of Moiwana, the Attorney General established a coordination team to investigate the Moiwana massacre and other crimes committed by the security forces that remain unpunished. In February the Government established a working group consisting of officials from various ministries and nongovernmental organizations (NGOs) to oversee execution of the court's orders, and the Government paid $13,000 in reparations to each survivor of the massacre and organized a large public ceremony in July to offer its apologies to the N'Djuka Maroons. The Government's failure to fully implement the court's judgment remained controversial, as demonstrated by protests during November's commemoration of the 20th anniversary of the massacre.

In 2000 the Court of Justice ordered the prosecutor's office to investigate the 1982 killings by the Desi Bouterse regime of 15 prominent political, labor, business, and media leaders. In mid–2004 the prosecutor's office completed its investigation and scheduled trials for more than 20 suspects, including the prime suspect—former military dictator (and current National Assembly member) Bouterse. The suspects appealed a military court's ruling on pretrial objections, and the Court of Justice is scheduled to start the appeal hearings in early 2007; the actual murder trial can only start after the court's ruling.

b. Disappearance.—Although there were no reports of politically motivated disappearances, the Government had yet to investigate allegations of certain disappearances that occurred between 1983 and 1991.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, human rights groups 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 accused the police of using excessive force during arrests. There were reports that police shot and injured three suspects, including armed dangerous criminals, during arrests.

In January police shot a man who fled after robbing two people in a park. In February police officers beat a suspect while arresting him for possession of marijuana. In November a citizen filed a complaint against a police officer asserting that he had been assaulted at the police station. At year's end authorities continued investigations into the actions taken by the police officers in these cases.

An investigation was still pending into the October 2005 case in which a police officer shot and injured an unarmed detainee who tried to escape from the police station.

No information was available about results of other investigations by the police Personnel Investigation Department (OPZ) into reports that police beat suspects in 2005. Likewise, no information was available about any investigation into the December 2005 complaint by a father and his 13-year-old daughter charging physical abuse by police when the two entered and refused to leave the motorcade escorting the visiting Dutch prime minister to the airport in November of that year.

Prison and Detention Center Conditions.—Prison conditions were poor. Most facilities, particularly older jails, remained unsanitary and seriously overcrowded, with as many as four times the number of detainees for which jail capacity was intended.

Violence among prisoners was common, and prisoners continued to complain of mistreatment by guards. In November authorities arrested eight prison officers in connection with an inmate's death. The coroner's report showed that his death was due to grievous bodily harm, and an investigation into this case continued at year's end.

Human rights monitors expressed concern about conditions in pretrial detention facilities, which remained overcrowded. A steadily growing number of people who had been convicted, but not yet placed in prisons due to a lack of space in prison facilities, continued to be held in these detention cells. Because of staff shortages, police officers rarely permitted detainees to leave their cells. Detainees and human rights groups also complained about inadequate meals.

Conditions in 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. Conditions in a separate youth detention center in Paramaribo remained inadequate, and prisoners and NGOs complained about overcrowding and poor ventilation, physical and verbal abuse by the guards, and unchecked violence among detainees.

In January construction began on a new youth detention center for Paramaribo. The Welzijns Institute Nickerie, an NGO operating in the western district of Nickerie, renovated the youth detention center in that district with financial assistance from a Dutch NGO. The Welzijns Institute has a cooperation agreement with the police permitting it to visit and provide counseling for the detainees in the youth detention center in Nickerie.

The Government permitted visits by independent human rights observers. Representatives of the NGO Moiwana '86 group reported that, in general, they had access to prisoners and received cooperation from prison officials on routine matters.

d. Arbitrary Arrest or Detention.—While the law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, prisoners who appealed their cases often served their full sentences before the lengthy appeals process could be completed, as a result of the shortage of judges.

The Attorney General's office reiterated its concern that prisoners who completed their original sentences were not released on a timely basis. Defense lawyers often utilized an article of the Code of Criminal Proceedings that allows a judge to release a suspect if the case against the accused appears weak.

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 minister of defense. Civilian police bear primary responsibility for the maintenance of law and order and report to the Ministry of Justice and Police. The OPZ conducts investigations into complaints of police abuse. Police effectiveness was hampered by a lack of equipment and training, low salaries, and poor coordination with other law enforcement agencies. While joint police and military operations were limited in the past, the ministers of justice and police and defense formalized their cooperation in October 2005.

Corruption remained a problem, and senior officers met monthly with the Attorney General's office to review corruption and other cases against the police.

Through October authorities disciplined 26 officers for various offenses and jailed 19, including nine officers on narcotics charges, one for manslaughter, and four for extortion.

In December 2005 authorities dishonorably discharged and jailed two police officers who stole four machine guns from a police weapons depot; an investigation remained under way at year's end.

Arrest and Detention.—Individuals were apprehended with warrants and were promptly informed about 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 four 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 located at police stations throughout the country. In December there were 974 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. The President had yet to appoint a President of the Court of Justice; the acting President had occupied his position since 2000.

The judicial system consisted of three lower courts, two specialized courts, and the Court of Justice as an appeals court.

The judiciary was significantly hampered by a shortage of judges, which limited the effectiveness of the civilian and military courts. There were 11 permanent judges and one deputy judge for the entire country, a number that human rights groups and lawyers' associations viewed as inadequate. A government program continued to train 10 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 six 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 Moiwana '86, these lawyers often did not appear at all. To remedy this situation for juveniles, a one-year NGO-funded pilot project was launched in July 2005 giving juvenile detainees who could not afford a lawyer immediate access to counsel upon arrest. Although the program was considered successful, it was discontinued after a year due to a lack of funds.

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 of 11 permanent judges and one deputy judge 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 the expediency of this process; most civil cases were resolved approximately three to four 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. The police obtained them in the great majority of investigations.

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, due to a history of intimidation and reprisals by certain elements of the former military leadership and in response to pressure by senior government officials and other important community leaders on journalists who published negative or unflattering stories about the administration.

In May the Association of Journalists voiced strong protests when a minister's bodyguard threatened a journalist and took away his camera when he was taking pictures of the minister's car.

After a radio call-in program alleged corrupt practices with regard to acquisition of land by a coalition party, the party chairman threatened to file a lawsuit against the radio announcer but did not follow up on his threat.

In December 2005 a local newspaper, De Ware Tijd, refused to publish a court-ordered retraction to an article published in De West, a competing publication. Journalists voiced their concern about the precedent the ruling could set, and De West filed an appeal of the ruling ordering the retraction. Hearings were scheduled to start in 2007.

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 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 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.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community numbered approximately 150.

For a more detailed discussion, see the 2006 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.

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 UN 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 they feared persecution. During the year the Government did not grant asylum or refugee status.

The Government cooperated with the office of the UN 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 in 2005 marked the third such peaceful electoral transition; however, in its 31 years of independence, the country experienced two military coups, seven years of military rule, and one instance in which massive public demonstrations forced an agreement to hold elections a year early.

Elections and Political Participation.—The constitution provides for direct election by secret ballot of the 51-member National Assembly every five 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 of that year.

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. In the past, participation by women in politics (and other fields) generally was considered inappropriate. Data from the Ministry of Home Affairs showed that while women made limited gains in attaining political power in recent years, political circles remained under the influence of traditional male-dominated groups. 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. In August 2005 two women were appointed police commissioners, and in May a woman was appointed as head clerk, the highest administrative position in the parliament.

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 are concentrated in remote areas in the interior and therefore have limited access to, and influence on, the political process. There were three Maroon and one Amerindian 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 May 2005 election and became part of the governing coalition, with three Maroons in the cabinet.

Government Corruption and Transparency.—There was a widespread perception of corruption in the executive branch of the Government, and corruption of government officials remained a serious problem. A shortage of police personnel continued to hamper police investigations of fraud cases.

In February a court sentenced an official from the Ministry of Home Affairs to one year in prison for embezzling thousands of dollars through a pension benefits scheme; in addition, she was ordered to pay the money back within two years of her release from prison.

In March authorities arrested a customs officer stationed in the eastern district of Marowijne and charged him with extortion and embezzlement. In July a judge sentenced the customs officer to one year in prison and suspended him from the service for two years.

The trial of former minister of public works, Dewanand Balesar, and 16 other suspects on charges of fraud, forgery, and extortion at the Ministry of Public Works continued at year's end.

Authorities arrested and placed on trial for corruption three officials from the Ministry of Agriculture, Animal Husbandry, and Fisheries. The trial concluded in December. While the ministry's deputy director was acquitted due to lack of evidence, the judge sentenced other suspects in this case to prison terms ranging from 12 to 24 months.

The media reported on alleged corrupt practices with regard to the acquisition of land by one of the political parties in the governing coalition.

Although the law provides for public access to government information, such access was limited in practice for both 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 Attitude 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 '86, 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 its effectiveness was hampered by resource constraints. In February parliament established 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.—Violence against women was a common problem, which the Government had not addressed specifically. The law does not differentiate between domestic violence and other forms of assault. There was no information available regarding the number of reports of domestic violence the police received during the year. The chairwoman of the NGO Stop Violence Against Women stated that the working relationship between the police and the various NGOs dealing with this issue was slowly improving, as attention was now being paid to the victim, rather than just focusing on the offender. 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 on dealing with victims and perpetrators of sexual crimes and domestic violence.

The law prohibits rape but does not address spousal rape. The maximum penalty for rape or forcible sexual assault is a 12-year sentence. The only statistics available covered sex crimes in general: as of October, authorities had opened 218 new cases against 277 defendants, 212 of whom were imprisoned pending the outcome of their trials.

Although the law prohibits sexual exploitation, including prostitution, in practice prostitution generally was tolerated. Concerns about the link between prostitution and trafficking in persons resulted in police raids on commercial sex locations and arrests of several prostitutes. Poverty continued to put young women at risk of becoming prostitutes. The presence of large groups of illegal miners in the gold mining sector in the interior drew many young Maroon women and girls into prostitution. Police allowed many brothels to operate, and officials asserted that they made random checks on the brothels twice a month 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 (see section 5, Trafficking).

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 the girls' education and resulted in the direct passage of all property the women would have inherited from their parents to their husband 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. According to a report, more than 60 percent of women worked in traditionally female administrative or secretarial jobs. 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 to launch 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 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 of human rights abuses about their rights. Resource constraints continued to limit the effectiveness of these groups. In March the Women's Rights Center organized a five-day training course about the

UN Convention on the Elimination of Discrimination against Women; participants included government officials, NGOs, journalists, and academics.

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 attended school; however, 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.

While there was no societal pattern of abuse directed against children, some children were abused sexually and physically. Through December police received reports of 235 cases of sexual abuse of children and 100 cases of cruelty against 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. In March a court sentenced an elementary school principal who had sexually molested and assaulted at least 23 boys to four years' imprisonment.

Various laws were used to prosecute perpetrators of sexual harassment, and several cases of sexual abuse against minors came to trial. Sentences averaged three years in prison. There were several orphanages and one privately funded shelter for sexually abused children in the capital, where approximately 49 percent of the country's population was concentrated.

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 (see section 5, Trafficking). According to the Mamio Namen Project Foundation, an NGO working on the well-being of HIV-infected persons, sex tourism was increasing; boys reportedly were targeted in particular. The Salvation Army and a Catholic charitable organization provided shelter 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 (see section 6.d.).

In June the Ilse Henar Hewitt Bureau for Legal Assistance for Women, an NGO, launched a campaign to inform and educate the public regarding the right of children to be heard in any judicial and administrative procedure affecting them. In October the Code of Civil Procedure was amended to include this right.

The UN Children's Fund (UNICEF) continued cooperating with the Government on the basis of a multiannual plan of action. UNICEF provided training to officials from various ministries dealing with children and children's rights. UNICEF coordinates its activities with the Bureau for Children's 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 working as prostitutes. 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.

In March the National Assembly approved a Penal Code amendment to increase the maximum prison term for human traffickers and human smugglers from two to four years, make assisting or facilitating human trafficking a crime, and institute heavy fines for the offenders. The penalty for sexual exploitation, a criminal felony, is a five-year sentence; labor exploitation is covered only by labor law and is a misdemeanor carrying a three- to six-month sentence. Criminal law prohibits solicitation and brothel operation, but the law was not enforced.

Government efforts to investigate and prosecute traffickers intensified significantly.

In two separate instances in January and February, police arrested four brothel owners, including a woman, and charged them with human trafficking and participation in a criminal organization. The four brothel owners were in the business of trafficking women from the Dominican Republic; the women were unaware that they would be expected to work as prostitutes. In November a court convicted the female brothel owner and sentenced her to 18 months' imprisonment; she was released for time served. At year's end the cases against the other brothel owners were still pending in the courts.

In March 2005 a court sentenced Marie Bichotte, a Haitian national, to two and a half years' imprisonment for human smuggling and ordered her to pay a fine of approximately $3,570 (SRD 10,000). Bichotte and her husband were reportedly involved in large-scale smuggling and trafficking of Haitians for eventual transit to French Guiana. At year's end authorities were seeking the husband and intended to prosecute him.

In July 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.

In December a court convicted Henk Kunath and sentenced him to six months' imprisonment on charges of trafficking in persons. Kunath, who owned Paramaribo's largest brothel, Diamond, trafficked Brazilian women to work in his club.

The Government's Antitrafficking Commission had 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.

The Special Antitrafficking Police Unit conducted limited investigations and raids throughout the year. The public prosecutor's office and the police continued a registry of all brothels and their employees by nationality. The police operated a telephone hot line to handle all cases involving the commercial sex industry. The police had informal agreements with many brothel owners allowing them to proceed with their business. However, police conducted random checks to ensure that women were not mistreated, that no minors were present, and that owners did not keep the women's airline tickets and passports. During the year there were fewer than four reports of brothel owners retaining passports and airline tickets to enforce contract obligations. In such cases the police assisted these women to return to their country of origin at their own expense.

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.

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 these 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.

In February the Government launched an intensive trafficking in persons awareness campaign, funded by the International Organization for Migration (IOM). In March two foreign judges visited their counterparts with whom they held intensive discussions about effective approaches to handle cases involving trafficking in persons. The judges also met with government and NGO officials, academics, and members of the legal community. In June three officials from the Antitrafficking Commission attended an IOM-sponsored training course on trafficking in persons for law enforcement officials.

Persons With Disabilities.—There were no laws prohibiting discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of state services. There were no laws, provisions, or programs to ensure 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 (see section 3), 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.

Unlike in previous years, there were no new protests by residents of neighboring Maroon villages against gold mining activities by the Gross Rosebel Goldmines Company in the interior. Some forms of discrimination that affected indigenous Amerindians also extended to Maroons (see section 5, Indigenous People).

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.

Official and informal meetings between the parties involved in implementing the 2001 Lelydorp Accord (which superseded the 1992 peace accords that formally ended the 1986–91 insurgencies) continued without substantive results. No former Jungle Commando members were integrated into the police force, but some obtained jobs with the Government. In October more than 200 former members of the Jungle Commando complained to the Government that they were not being integrated into the civil services as outlined in the 1992 peace agreement.

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 March the Government established a commission consisting of officials from various ministries and representatives from Maroon and Amerindian groups to advise the Government on the issue of land rights.

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 the IACHR sent the case to the Inter-American Court of Human Rights. The court was expected to start hearings in 2007.

Human rights and environmental groups continued monitoring the joint venture activities of SURALCO and BHP Billiton, which were exploring the possibility of mining bauxite and generating hydropower in the western part of the country.

Maroon and Amerindian groups continued to cooperate with each other in an effort to exercise their rights more effectively. NGOs such as Moiwana '86 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. In March local newspapers reported that a patient infected with HIV/AIDS died because hospital workers were reluctant to treat him. An NGO working with HIV-infected persons reported that HIV testing was still part of the hiring procedures of law enforcement agencies and the fire department.

During the year the National AIDS Program expanded and authorities filled crucial positions that had been vacant since its inception. The Ministry of Health also intensified its efforts in prevention of mother to child transmission. By the end of the year, the ministry expected to reach 90 percent of pregnant women for voluntary testing. Testing was also available through hospitals, Primary Health Services' clinics, family practitioners, and the Regional Health Services. The Government included combating HIV/AIDS as an issue in its 2006–11 Multi-Year Development Program, and in December it launched a "Unite for Children, Unite Against AIDS" campaign against AIDS.

In July the Union of Teachers, together with the NGOs Education International and the Education for All Commission organized a seminar on HIV/AIDS and prevention for Teacher's College teachers.

In December 2005 the business community launched the Business Coalition against HIV/AIDS. The coalition wrote a protocol on dealing with HIV/AIDS prevention and treatment on the work floor and combating stigma and discrimination. Initially intended to be a three-month project, the Know Your Status campaign concluded in June after seven months and produced good results. In an effort to reach as many people as possible for testing, there were seven voluntary counseling and testing sites.

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 the 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 July Fernandes Bakery employees went on strike demanding payment of a previously agreed lump sum from their employer, although a collective bargaining agreement had already been signed between the union and the employer. Fernandes fired the 82 employees. In August the Dismissal Committee of the Ministry of Labor, Technological Development, and Environment ruled that the decision to fire the employees was unlawful and that the employees had to be rehired. However, in September a judge ruled in a summary suit filed by Fernandes that the company had acted correctly. Fernandes subsequently rehired approximately 50 percent of the employees.

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, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—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 districts of Nickerie and Saramacca in the west.

Children under 14 worked as street vendors, newspaper sellers, rice and lumber mill workers, packers for traders, or shop assistants. 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 pro-

tective gloves, with no access to medical care. Although government figures reported that only 2 percent of children were economically active, a 2002 survey conducted by the Institute for Training and Research found that 50 percent of children between the ages of four and 14 were economically active, working mainly in the informal sector. The worst forms of child labor, such as prostitution, remained a problem; there were reports of commercial sexual exploitation of children and teenagers by caretakers and older recruiters (see section 5).

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 were available regarding the number of inspections performed during the year. The Government did not investigate exploitive child labor cases outside urban areas. As in the past, labor inspectors were not authorized to conduct inspections in the informal sector, where child labor remained a problem, 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.

In December the Government installed the National Commission dealing with Child Labor, consisting of officials from the Ministries of Labor, Social Affairs, and Education, and representatives from the labor unions, the private sector, and NGOs. The commission was primarily tasked with establishing an authority on child labor, as provided for the International Labor Organization convention on the worst forms of child labor.

e. Acceptable Conditions of Work.—There was no legislation providing for a minimum wage. The lowest wage for civil servants was 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 work force of 100,000 persons, 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 required 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. The population was approximately 1.3 million. Tobago has a House of Assembly that has some administrative autonomy over local matters on that island. In the 2002 elections, which observers considered generally free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 20 to 16 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 injuries in riots over poor prison conditions and other grievances, high-profile attempts to pervert the course of justice and 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, 11 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.

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.

On July 29, a coast guard vessel came upon an alleged fishing boat carrying Shazard Mohammed and two other men. In a confusing series of events, Mohammed was shot in the head and transported unconscious to a hospital where he died on August 4. An internal coast guard investigation found no reason to charge anyone with the shooting, but a police investigation led to charges of murder against Quincy Allum, reportedly a defense force mechanic. At year's end the case was still being heard in magistrate's court.

On August 14, Stefan Mills, a construction worker and alleged gang member, died in a hospital two days after police officers shot him in the face and chest, as he attempted to abduct two teenage girls.

On September 21, police shot and killed Noel French near his home, after he reportedly opened fire on police officers who were attempting to execute an outstanding arrest warrant.

On January 27, authorities arrested three members of the defense force and charged them, along with 12 civilian accomplices, with the April 2005 kidnapping and killing of Balram Bachu Maharaj, whose dismembered body was found buried in a wooded area. At year's end extradition hearings in this case continued in magistrate's court.

There was no definitive 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) or during 2004 (including Galene Bonadie and Noel Stanley).

In a landmark case, however, police Constable Dave Burnett became the first officer in the country's history to be convicted of murder while on duty. In March a judge sentenced him to death after a jury found him guilty of the 2004 killing of teenager Kevin Cato at a party.

The police had yet to fulfill the director of public prosecutions' (DPP) 2005 request for a police report of the circumstances surrounding the 2001 death of Marcel McLeod, allegedly killed in a shootout with police.

In August 2005 authorities ordered a retrial in the case of a prison officer charged with the 2001 death of prisoner Anton Cooper, but it had not taken place by year's end.

In January after losing an appeal of his manslaughter conviction, police Constable Mihiset Greene began a 10-year sentence for killing Neil Sutherland in 1995.

b. Disappearance.—There were no reports of politically motivated disappearances, and there was a sharp decrease in the number of general kidnappings: during the year, there were 126 such kidnappings, compared with 235 during 2005. The number of kidnappings for ransom also decreased dramatically, to 17, as compared with 54 in 2005. This significant decline was widely attributed to the arrest of the three defense force members and their accomplices in connection with the Balram Bachu Maharaj case (see section 1.a.).

At year's end authorities were still investigating the two special reserve police officers arrested in August 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 of police officers and prison guards mistreating individuals under arrest or in detention.

At year's end investigations and legal proceedings continued in the 2004 case of Camille Mitchell, who claimed that she suffered a miscarriage as a result of police mistreatment during a search of her home.

At year's end a 2003 lawsuit in which Danesh Mahabir charged police officers with assault, battery, and unlawful detention continued in the courts.

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, was reduced from 650 in 2005 to 554 at year's end. The number of prisoners in each 10- by 10-foot cell remained at five. The recently built maximum-security prison in Arouca helped relieve the overcrowding at the Port of Spain prison.

Staff shortages compelled the prison service to limit the "airing" time provided to prison inmates. This issue served as the basis of a complaint filed against the prison service by death row inmate Alladin Mohammed, which was still pending at year's end.

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.

In March authorities charged a prison guard with intent to sell marijuana in the prison. The prison service commissioner told a parliamentary committee that a "rogue element" of prison guards regularly trafficked drugs, cell phones, and weapons within the country's jails.

In August and September, inmates in the remand section of the Golden Grove Prison rioted over poor prison conditions, including alleged beatings by prison officers, bad food, denial of prison visits by relatives, and an order depriving inmates of their cell phones. During the riots, inmates injured prison guards, broke electrical fixtures, and set fires in their cells. Faced with a situation of near-anarchy, the prison service commissioner entered into direct negotiations with the inmates. The prison officers' association criticized this initiative and called for a prison guard "sick-out." By year's end relations between the prison commissioner and the association had improved.

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.

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.

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 Government sponsored training programs and sought expert advice with a view to professionalizing and enhancing the effectiveness of the police and prison services.

The national police force comprises nine countrywide 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. During the year the Government hired 39 British police officers who assisted police in the investigation of crimes.

Police corruption continued to be a problem. On a number of occasions during the year, the authorities apprehended members of the police in connection with illegal drugs, firearms possession, and other illicit 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 Police Complaints Authority had no power to investigate complaints and because those investigating complaints against the police were themselves police officers.

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 grant bail to such persons under ex-

ceptional circumstances, which occurred in July when Imam Yasin Abu Bakr, leader of the extremist Jamaat al-Muslimeen group, jailed on charges of sedition, incitement, and terrorism, was granted bail on grounds of ill health. 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 3,750, 1,402 inmates were waiting to be tried at year's end. Many criminal indictees 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.

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.

In July the President suspended the chief justice after the Court of Appeal ruled against the latter in a case in which he was charged with attempting to influence the outcome of a high-profile integrity trial of the party chairman and parliamentary leader of the opposition UNC (see section 3). Referring to this development at the September opening of the Supreme Court of Judicature, the acting chief justice appealed for the restoration of public trust in the independence and apolitical nature of the judiciary.

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. While 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 the provision of an attorney to a person accused of murder. Although the courts may appoint attorneys for indigent persons charged with indictable offenses (serious crimes), an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or question 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 passed legislation for it to play this role. The CCJ has a separate original jurisdiction whereby it interprets and applies the treaty which established CARICOM as well as the agreement creating the Caribbean Single Market and Economy.

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 law suits 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.

During the year, parliament established a cable television channel exclusively dedicated to the live broadcast of parliamentary proceedings in their entirety. According to the guidelines governing the new service, if a member of parliament or a witness makes allegedly false statements about a person who is outside parliament, that person has the right to apply to have a rebuttal placed on the parliamentary record, in which case, media that had reported the original allegation are required also to report the rebuttal.

On July 4, the Privy Council ordered the Government to issue immediately a commercial FM broadcasting license to Sanatan Dharma Maha Sabha (SDMS), the principal Hindu organization in the country. In its decision, which concluded a six-year-long quest by the Hindu community for its own radio station, the Privy Council determined that the Government had subjected the SDMS to unequal treatment under the law and, in the process, had denied it the right to freedom of expression. Amid threats of further legal action, the Government granted the license in September, and at year's end the SDMS was about to begin its radio broadcasting operations.

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 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.—Freedom of Assembly.—The constitution and the law provide for freedom of assembly, and the Government generally respected this right in practice.

In October security guards ordered a symposium on health issues, sponsored by the newly formed opposition Congress of the People (COP) party, to halt its proceedings and disperse. The Minister of Health claimed that the venue had been booked in a manner designed to conceal the political identity of the sponsoring organization and that the COP had violated an unwritten rule that the government-owned Eric Williams Medical Sciences Center could not be booked for political meetings. The COP leadership charged that the Government violated the party's right to freedom of assembly, claiming that promotional advertisements for the symposium not only had named the COP as the event sponsor but had highlighted the apolitical nature of the symposium agenda.

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 and the law provide for freedom of religion, and the Government generally respected this right in practice.

The Government limits the number of foreign missionaries allowed in the country to 30 per denomination 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 three years per visit but may re-enter after a year's absence.

Societal Abuses and Discrimination.—The return visit of a controversial Pentecostal preacher prompted the head of the Hindu community to demand that he be barred from coming or arrested upon arrival under the Summary Offenses Act for remarks made on his first visit. However, the Pentecostal preacher came and preached without incident.

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 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution and the law provide for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and it was not used.

Although the Government acceded to the 1951 UN 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 UN High Commissioner for Refugees (UNHCR) and other humanitarian organi-

zations 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 UN convention and its protocol, the Ministry of National Security's immigration division handled all requests for asylum on a case-by-case basis.

The Government did not provide temporary protection to persons who may not qualify as refugees, but the Living Water Community provided such persons with needed social services.

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.—The most recent national election was held in 2002, and observers found it to be generally free and fair. The two major political parties that contested the 2002 election were the PNM, which is primarily but not exclusively Afro-Trinidadian, and the UNC, which is primarily but not exclusively Indo-Trinidadian. A majority of voters in the 2002 national election supported the PNM, which retained control of the Government. In September a substantial number of UNC representatives and senators split away from the UNC to form the COP, with the aim of creating a broad-based national political consensus spanning all racial, ethnic, and religious groups in the country.

There were 18 women in the 67-seat legislature, excluding the female President of the Senate; six women in the 25-member cabinet; and 10 female judges on the High Court and the Court of Appeal. 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 six members of these minorities in the legislature and three members of minorities in the cabinet.

Government Corruption and Transparency.—There was a widespread and growing public perception of serious corruption in the country.

The Integrity in Public Life Act mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission. However, a growing number of 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 criminals engaged in kidnappings for ransom. At year's end the High Court, in response to a 2005 request by the Integrity Commission, had yet to issue its interpretation of the Integrity in Public Life Act, clarifying whether judges were exempt from the act's disclosure provisions.

In April 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 a week in prison, the court released Panday on health grounds and gave him bail, pending an appeal of his case. However, under the law, he was relieved of his opposition leadership post and prevented from retaining his seat in parliament. Although he voluntarily resigned his UNC party chairmanship, he resumed it in September, following the formal split in the UNC, and in December was called back to serve as interim political leader of the party. At year's end Panday was still pursuing his appeal through the legal system.

In a related series of events, Chief Justice Satnarine Sharma was accused of attempting to pervert the course of justice by trying to influence the chief magistrate's decision in the Panday case in Panday's favor. When the DPP ordered the police to arrest the chief justice in July, Sharma applied for judicial review to the High Court, which granted his request. When the state appealed this ruling to the Court of Appeal, the chief justice removed himself from his judicial responsibilities, retaining only his administrative duties. However, when the Court of Appeal reversed the High Court's ruling for judicial review, the President suspended the chief justice from all his functions. At this point, the state and the chief justice jointly decided to take the chief justice's request for judicial review to the Privy Council. In November the Privy Council dismissed the chief justice's request for judicial review and ordered him to answer the case against him in criminal court.

At year's end the 2005 bribery cases and allegations against former PNM minister of works and transport and party chairman Franklin Khan and against former PNM minister of energy and energy industries Eric Williams 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 Air-

port 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.

In June authorities brought charges in magistrate's court against Hafeez Karamath, part-owner of a desalination company, for 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. Karamath was released on bail, and investigation into the matter continued at year's end.

A committee of experts continued to work on reform of the public procurement regime that would enhance public accountability and reduce opportunities for corruption by government officials.

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 Attitude 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. In 2005 the ombudsman received 1,344 new complaints and made 183 inquiries, which represented a 34 percent increase over the average number of complaints received in previous years. Important factors contributing to the increased inflow of complaints 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 2,600 complaints carried over from previous years. During the year the ombudsman resolved 699 complaints.

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 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, or gender.

Women.—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 the 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. Increased media attention to domestic violence resulted in a clear shift in public opinion from past views that had held that abuse of women in the home was a private matter.

Nongovernmental organizations (NGOs) charged that police enforcement of the law often was lax. 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.

Although rape, including spousal rape, is illegal and punishable by life imprisonment, the courts often handed down considerably shorter sentences. Both the Government and NGOs estimated that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity on the part of the police.

Prostitution is illegal, and the authorities continued to monitor, investigate, and prosecute major operators believed to be engaged in soliciting for prostitution. Authorities deported the 26 Colombian and two Venezuelan women arrested in 2005 for prostitution and illegal entry into the country.

There are no laws specifically prohibiting sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and although some trade unions have 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. There are no laws or regulations requiring 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 the protection of 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. In addition, 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. 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. The Government committed resources to building new facilities and expanded access to free secondary education.

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 38 child sexual abuse cases, a decrease from 49 cases in 2005. 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. From January through June, Childline received 1,614 calls, 83 percent from girls and 17 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, brutally tortured to the point of death. Most notably, 4-year-old Amy Emily Anamanthodo, although known to the police and to the social service establishment, was raped, sodomized, suffocated, and burned with cigarettes throughout her life by people close to her, until she died in May. At year's end authorities held two of her relatives in custody awaiting trial for the crimes.

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 seven 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. However, in September the Government cooperated with the International Organization for Migration in a seminar on trafficking in persons as a first step in promoting an understanding of trafficking in persons and assessing the extent of its

prevalence in the country. 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 the disabled to the political process, employment, education, transportation, housing, health care, and other citizen services. In December 2005 the Government approved a national policy on persons with disabilities, and the Ministry of Social Development was developing guidelines to implement the policy.

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 disabled shoppers.

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. In 2005 some in the Indo-Trinidadian community challenged the constitutionality of the Trinity Cross, the country's highest honor, claiming that its Christian motif was not representative of a multireligious society and was therefore discriminatory. In May a civil court judge ruled that the Trinity Cross was in fact indirectly discriminatory, and the Government removed the cross from the year's roster of Independence Day honors and undertook to replace it in the future with an alternative nondiscriminatory award.

Indigenous People.—A very small group of people 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.

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.

According to the National Trade Union Center, one of two umbrella organizations in the labor movement, some 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. 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. There was no official response to the International Labor Organization (ILO) request that parliament pass legislation to narrow the definition of "essential services."

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. Laws do, however, mandate that workers should be paid and impose fines on employers who violate this law.

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 UN Children's Fund estimated that 2 percent of children from five to 14 years of age were engaged in paid work.

The Government had not passed implementing legislation for ILO conventions 182 and 138, both of which it has ratified. In 2005 the National Steering Committee on the Prevention and Elimination of Child Labor completed a comprehensive draft national policy on child labor, but the cabinet had not yet approved it by year's end.

e. Acceptable Conditions of Work.—The national minimum wage is $1.50 (TT$9.00) 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. Media carried reports about workers who did not receive premium pay for their overtime work.

During the year the Government updated its occupational safety and health legislation, which establishes standards and provides for inspections to monitor and enforce compliance. By year's end, however, the Government had not yet fully established the occupational safety and health administration within the Ministry of Labor and Small and Micro Enterprise Development. Labor unions and business organizations criticized the delay, especially in light of a number of high-profile industrial accidents after the law entered into force.

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 3.2 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 five-year Presidential term. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the rights of its citizens. Although the Government took concrete steps to reduce prison overcrowding and repair damaged facilities, harsh prison conditions continued to be a problem. Violence against women and discrimination against some societal groups continued to challenge government policies of nondiscrimination. Anecdotal evidence suggested that 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 November former President Juan Bordaberry and former foreign minister Juan Blanco were convicted of con-

spiracy to murder four opponents of the military regime in 1976. Bordaberry and Blanco appealed their conviction, and the case remained 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.—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. A government prison monitor reported that new training of prison guards reduced some forms of abuse. Despite such efforts, 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.

Prison and Detention Center Conditions.—Prison conditions were poor, as aging facilities were not adequately maintained. There were fewer reports of abuse of prisoners than in previous years. Human rights groups complained and government officials agreed that food, bedding, and clothing were of poor quality and insufficient quantity and that access to medical care, recreation, and training were poor.

Overcrowding continued due to budget constraints and stiff minimum sentencing guidelines. A high rate of recidivism and the arrest of a large number of first-time offenders countered the early release program begun in 2005. The overcrowding caused sanitation, social, and health problems in the major facilities. Renovations began on the maximum-security prison, Libertad, and according to the Government's prison monitoring agency, the Government repaired 800 prison cells. The Government also began construction on cells for approximately 200 additional prisoners throughout the prison system. The Government continued to hold some prisoners in modified shipping containers; these cells lacked running water and posed sanitation problems.

In addition to overcrowding, the penal system suffered from understaffing and corruption. Authorities did not always separate prisoners according to the severity of their crimes. Narcotics and cell phones were smuggled into facilities, allegedly through bribes to prison guards. Prison officials took steps to regularize family visitation, but problems of access 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 National 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 one 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.

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.—The Ministry of Interior administers the National Police and the prison system and is responsible for domestic security and public safety. The National Police has a hierarchical structure: the chief of police, director of its intelligence unit, and director of the antidrug unit report to the vice minister of the interior.

An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but the unit was understaffed and could only issue recommendations for disciplinary action. Ministry of Interior authorities responded promptly to accusations of alleged police brutality. Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes were separated from active service until a court resolves their cases. The law requires a proportional use of force by the police and the use of weapons only as a last resort; this law was respected in practice. Police were unable to prevent violence during two labor protests during the year because the new government had not outlined clear police procedures for such incidents.

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 before a detainee appears 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 that carry at least two years in prison. Between 60 and 65 percent of all persons incarcerated awaited final decisions in their cases. Because these procedures applied only to the most serious cases, most persons facing charges were not jailed. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tension in the prisons.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Supreme Court heads the judiciary system and supervises the work of the lower courts. Criminal trials are held in a court of first instance. Aggrieved parties have a right of appeal to the appellate court but not to the Supreme Court. 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.—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. Most judges choose the written method, a major factor slowing the judicial process. Defendants enjoy a presumption of innocence. Either the defense attorney or the prosecutor may appeal convictions to a higher court, which may acquit the person of the crime, confirm the conviction, or reduce or increase the sentence.

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

Civil Judicial Procedures and Remedies.—Transparent administrative procedures 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 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 chatrooms. 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 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 25,000. During the year Jewish leaders noted a significant increase in the quantity of anti-Semitic graffiti across the country. Local leaders reported effective cooperation with police to investigate these incidents. A Jewish cemetery was vandalized in the capital, and anti-Semitic graffiti appeared

in the second-largest city for the first time. In September four persons were arrested in connection with anti-Semitic graffiti. Authorities had not resolved the case by year's end.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law 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 UN 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 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 120 refugees for resettlement. The Government cooperated with the Office of the UN 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 five-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 Chamber of Deputies. President Vazquez took office on March 1, 2005.

Women participated actively in the political process and government, although primarily at lower and middle levels. Four of 30 senators and 11 of 99 deputies were women. Three of the 13 cabinet ministers were women. There was one Afro-Uruguayan among the 99 deputies.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year.

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 Attitude 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.

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.—Violence against women continued to be a significant problem. The nongovernmental organization (NGO) National Follow-Up Commission Women for Democracy, Equality and Citizenship reported that a woman died every nine days as a result of rape or domestic violence. The law provides for sentences of six months to two 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 more than 6,000 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 hotline answered by trained 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.

The law criminalizes rape, including spousal rape. During the year police received 805 accusations of rape nationwide. An unknown number of these claims involved spousal rape, but police had anecdotal evidence indicating that spousal rape occurred frequently. Authorities believed that some victims did not report such incidents because of failure to understand their rights and fear of social stigma.

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 (see section 5, Trafficking).

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 understanding by women 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; their salaries averaged 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.

Health care was free for all citizens.

There was no societal pattern of abuse of children.

Although there were few reliable statistics, polls and arrests indicated that exploitation of children for prostitution was a problem (see section 5, Trafficking).

Trafficking in Persons.—While the laws prohibit trafficking in minors and trafficking-related abuses within the country, they do not include specific provisions covering the transportation of persons across international borders. Some evidence of trafficking from and within the country existed.

The country was a source, destination, and transit point for trafficked persons, and internal trafficking was a problem; however, hard information was lacking as to the extent of trafficking. Trafficking reportedly occurred primarily to and from Argentina and Brazil across poorly controlled land borders. Based on anecdotal evidence, government and NGO experts estimated that approximately 100 individuals were trafficked in or through the country during the year, but there were no reliable estimates on the number of women engaged in prostitution abroad (generally in Europe, Australia, Argentina, and Brazil) or on the proportion induced into prostitution by fraud or subjected to conditions approaching servitude. Some foreign citizens entered the country to engage in prostitution. Officials believed from anecdotal information that trafficking mostly affected women between the ages of 18 and 24.

According to police sources, commercial sexual exploitation of women and children occurred mostly in the states bordering Brazil. A child welfare organization expressed concern about possible prostitution rings exploiting children in Montevideo and the resort areas of Punta del Este and Maldonado, where taxi drivers or hotel staff may be involved. There were isolated reports of prostitution by boys. Police sources indicated that traffickers often perpetrated other transborder crime such as drug smuggling. Children's rights NGOs received reports that minors resorted to prostitution to survive or to assist their families. INAU estimated that 90 percent of minors engaged in prostitution did so to assist their families, who allowed or actively promoted the activity.

Laws criminalize trafficking of minors and provide penalties ranging from six months' to 12 years' imprisonment. No laws specifically prohibit trafficking of adults. In past years suspected traffickers were prosecuted on charges of corruption, conspiracy, fraud, and other felonies. The Ministry of the Interior has primary responsibility for investigating trafficking cases and maintained a database of all trafficking-related activities. Authorities responded promptly to the one trafficking case that came to light during the year.

The Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation continued to work with INAU to protect victims and witnesses but reported a lack of resources to pursue these objectives.

INAU provided funding for a number of NGOs that had programs to assist homeless children and victims of trafficking. A number of NGOs offered treatment for victims of trafficking, and others provided shelter, food, or education.

The Ministry of Education produced public service announcements in an attempt to prevent trafficking. The announcements were aired on national television. The Government disseminated information and trained some police forces on new antitrafficking legislation.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, but the Government did not effectively enforce these provisions. Local entities lacked 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, estimated at nearly 6 percent of the population, continued to face societal discrimination. The NGO Mundo Afro reported 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.

Section 6. Worker Rights

a. The Right of Association.—The law promotes the organization of trade unions and the 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 high in the public sector (more than 80 percent) and low in the private sector (approximately 5 percent). Labor unions were independent of political party control but traditionally associated more closely with the Broad Front political coalition.

The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. There were no new developments in the August 2005 complaint by workers that a media company dismissed several workers for their prounion activities.

There are mechanisms for resolving workers' complaints against employers. Complaints that employers dismissed organizers for fabricated reasons (thus allowing employers to avoid penalties) diminished after the December 2005 enactment of remedial legislation.

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.

b. The Right To Organize and Bargain Collectively.—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." In October the Government invoked this power during a work stoppage by truck company owners. The minister of transportation stated that the Government stood ready to seize and operate trucks if owners did not comply with a requirement to resume operations. Owners complied with the Government order.

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 (which accounted for 40 percent of total employment in the country). Some children worked as street vendors in the expanding informal sector or in agricultural activities, areas generally regulated less strictly and where pay was lower than in the formal sector.

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 six 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 nine 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 those for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income.

INAU implements policies to prevent and regulate child labor and provides training on child labor issues. 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. INAU has seven specially trained inspectors to handle an estimated 2,000 inspections per year; the labor ministry has 109 inspectors to investigate all types of labor complaints. Authorities imposed sanctions in approximately 5 percent of the cases.

A program by INAU and an NGO continued to provide food vouchers of $56 (1,360 pesos) per month to parents who take their children off the streets and send them to school. This amount approximated what a child might earn working on the street, and the program was considered successful.

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 $125 (3,000 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 forfeited 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 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

deemed the elections generally free and fair, having noted some irregularities, including continued problems with the electoral rolls (voter registries), a perception of progovernment bias on the part of the National Electoral Council (CNE), and questions about the role of the military in its heavy election day coverage. 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, harassment of the media, and harassment 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; illegal wiretapping and searches of private homes; official intimidation and attacks on the independent media; 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, and mistreated persons in custody resulting in deaths.

The human rights nongovernmental organization (NGO) Venezuelan Program of Action and Education in Human Rights (PROVEA) documented 169 unlawful killings at the hands of government security forces from October 2005 through September 2006.

In July the NGO Victims' Committee Against Impunity reported that 90 percent of homicides in Lara state involved state security forces, of which more than 50 percent involved officers from the armed forces or police ranks; 35 percent involved officers of the Scientific, Penal, and Criminalistic Investigative Body (CICPC-the scientific police); 3 percent involved the National Guard; and 2 percent involved transit police.

On April 4, authorities discovered the bodies of the Faddoul brothers, ages 12, 13, and 17, and their driver, who had been kidnapped 41 days before. The kidnappers, alleged to be Caracas Metropolitan Police officers, demanded a $4.5 million ransom from the children's father, a Canadian-Venezuelan businessman. Twenty-two individuals subsequently faced charges, two of whom were Caracas Metropolitan Police officers. Approximately half of those charged confessed to involvement and were immediately sentenced to prison. At year's end, the remaining accused were awaiting trial.

On April 5, news photographer Jorge Aguirre was killed during demonstrations in the aftermath of the Faddoul murders, allegedly by a metropolitan police officer or someone masquerading as a police officer (see section 2.a.). The NGO Foro Penal reported that the individual had previously been a police officer for both Chacao Municipality and Caracas Metropolitan Police but had been relieved of his duties for bad conduct prior to this incident. On April 13, authorities arrested a former Caracas police officer, Boris Blanco Arcia, after they discovered pistol cartridges at his home matching those found at the scene of the shooting. On April 26, authorities indicted active police officer Charly Briceno in connection with the Aguirre killing, charging that, while on duty, Briceno drove the motorcycle on which Blanco was riding when he allegedly shot Aguirre. Blanco was charged with murder and posing as a police officer, while Briceno was charged with covering up a criminal act. Blanco Arcia was supposed to have been arraigned on June 21, but at year's end, no further information was available.

In July family members of the victims of the so-called 1986 Yumare Massacre asked authorities to reopen the investigation into the case. Henry Lopez Sisco, then-commander of state intelligence police, faced charges in the killing of nine students in Yaracuy State. As an Office of Intelligence and Prevention Services (DISIP) commander, Lopez Sisco was held responsible in the 1970s and 1980s for the "elimination" of subversive elements, particularly guerrillas. The case lay dormant for two decades before returning to public attention in July during the December Presidential elections campaign period; Lopez Sisco was a security advisor to the primary opposition Presidential candidate. Two of the nine students' bodies were exhumed on October 5. On December 12, judicial authorities in Yaracuy ruled that the re-

maining seven bodies were to be exhumed, as well, although none had been exhumed by year's end.

On September 14, three members of the CICPC shot and killed Jesus Carvajal Cardenas for failing to heed police calls to stop his vehicle. The three police officers, Jesus Arrioja, Luis Campos, and Jairo Lira, were indicted on September 19.

On September 22, military forces killed six miners in the La Paragua region of Bolivar state. Reports indicated that the miners were strafed from a military helicopter. President Chavez acknowledged excessive use of military force in these killings; as a result of an investigation, at least 14 soldiers were arrested. On November 15, 10 soldiers were charged in the killings of the six miners.

On August 31, 24 police officers were sentenced for their involvement in the June 2005 killings of students Leonardo Gonzalez, Erick Montenegro, and Edgar Quintero, and injury to three others near a Caracas police checkpoint. Sentences ranged from three to 30 years' imprisonment.

There were no developments in the January 2005 killing of Rigoberto Barrios, or in the March 2005 burning deaths of two soldiers in a "punishment cell," in Sucre State.

There were no reports that security forces killed prisoners; however, substantial numbers of deaths in prison resulted from other causes (see section 1.c.).

Prosecutors rarely brought cases against perpetrators of unlawful killings. When prosecutors investigated, they alleged that unsecured crime scenes, poor investigative techniques, and constantly changing or inexperienced personnel ensured that political and human rights abuse cases were delayed indefinitely or had a preordained result. 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 15 reports of disappearances allegedly involving security forces in the 12 months through September.

There were no significant developments in the January 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 June 2005.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution states that no person shall be subjected to cruel, inhumane, or degrading punishment, NGOs, media, and opposition groups accused security forces of continuing to torture and abuse detainees.

PROVEA reported that in the 12 months prior to September, it received 19 complaints of torture (down from 31 the previous year), but 1,394 complaints regarding cruel, inhuman, and degrading treatment, a sharp increase from the 503 cases reported the year prior.

On January 11, four armed members of the CICPC came to the home of Miguel Pina and allegedly tortured him before killing him because of his purported participation in a bank robbery. Pina's wife alleged that both she and their daughter were also tortured.

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 torture resulted in convictions.

Reports of beatings and other humiliating treatment of suspects during arrests were common and involved various law enforcement agencies.

On August 14, members of the Military Intelligence reportedly took Captain Luis Figueroa from the Ramo Verde military prison, tortured him, and returned him to the prison in early morning hours.

On September 13, Rosa Figueroa appeared on the national television news show La Entrevista to draw attention to the torture of her son Kristo Damales Figueroa, a soldier incarcerated at Ramo Verde military prison. The interview included footage taken from a cellular telephone video showing severe wounds on Damales Figueroa's body, allegedly from torture.

There were no developments in the alleged February 2005 torture of retired Venezuelan 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) esti-

mated that existing prisons were designed to hold approximately 60 percent of the estimated 19,000 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 378 deaths and 805 injuries in the prisons through November. 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.

More than 9,000 inmates participated in a hunger strike in July, insisting on reform of the Organic Law of Penal Processes. Inmates in 16 prisons participated in the strike.

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 (see sections 1.d. and 1.e.).

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, with juveniles of either gender also held in separate facilities. The Central Venezuelan University's Center for Women's Studies indicated that, while no prison had good conditions, women's facilities were generally less violent and more healthy than men's.

The Government permitted prison visits by independent human rights observers, and such visits took place during the year.

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 CICPC, which conducts most criminal investigations, and the DISIP, 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. The National Commission for Police Reform was created in June, and one of its goals was to create a more defined structure or mechanism for reporting police abuses.

Some local police forces offered human rights training for their personnel. In June the Ministry of Interior and Justice announced the creation of the National Commission for Police Reform. Human Rights NGOs PROVEA and Foro Penal commended the work of the commission. In June Chacao Municipality in metropolitan Caracas released a comprehensive proposal for justice and security, called "Plan 180," to provide police forces with better tools and training to respect human rights. Foundation Venezuela 180 was created subsequent to the launch of Plan 180, and began implementing certain elements in Chacao municipality. Metropolitan Caracas began establishing pilot zones in which to begin implementing certain elements, as well. Considerable training projects were underway by year's end.

PROVEA reported that in the year ending in September, there were 103 violent demonstrations and 1,280 peaceful demonstrations, of which less than 5 percent were repressed forcefully.

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 de-

tention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime, nor for longer than two 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, but March 2005 penal code reforms eliminated bail for certain crimes (see section 2.a.). 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.

PROVEA documented 1,913 arbitrary detentions in the 12 months prior to September and criticized the security forces for a systematic practice of illegal arrests to combat crime.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, the judiciary was increasingly less so. 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 Tribunal of Justice and lower courts, the Attorney General's Office, and the Ministry of Interior and Justice. The Supreme Tribunal of Justice 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, less than 40 percent of the judges were provisional and temporary. The Supreme Tribunal of Justice'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 tribunal of justice judges by a simple majority vote. Human Rights Watch noted that the law threatens the independence of the judiciary by subjecting it to political control.

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 2005 the Penal Chamber of the Supreme Tribunal of Justice revoked the October 2004 appeals court ruling dismissing the case against Baruta mayor Henrique Capriles Radonski on charges relating to a violent demonstration in front of the Cuban embassy in 2002 and ordered the case reheard. The trial faced substantial delays throughout the year. In July the Penal Chamber of the Supreme Tribunal of Justice removed the judge in the case without explanation. In October the Supreme Court announced a shuffling of federal judges, depriving the Capriles case of an appointed judge and delaying the trial until it began anew in December, before the 30th judge to preside over this case. Capriles was acquitted of all charges against him on December 15. The prosecution indicated that it would appeal.

In December Attorney General Isaias Rodriguez announced that the investigation of two suspected material authors and an intellectual author of the 2004 killing of prosecutor Danilo Anderson was on hold, as the three were in Miami and the law prohibits accusations in abstentia. Rodriguez shelved cases against businessman Nelson Mezerhane and two other suspects due to lack of evidence. A judge was reviewing this decision at year's end, however, as the law requires prosecutors either to accuse or to exonerate suspects after two years of investigation. A seventh suspect was exonerated.

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 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.

Human rights NGOs continued to express concern that the Supreme Tribunal of Justice's selection of military judges from a list of candidates provided by the minister of defense linked the careers of military judges to the high command.

Political Prisoners and Detainees.—There were an estimated 13 political prisoners in the country. In some cases, the political prisoners were held in distinct penal facilities, including DISIP quarters. Given their profile, they were often extended certain courtesies not given to general prison populations, such as individual cells and access to cellular telephones.

The International Committee of the Red Cross was permitted access to these political prisoners.

After the December 3 elections, NGOs Foro Penal and VIVE mounted a very public campaign to seek amnesty for all political prisoners and collected signatures to propose legislation on national amnesty and reconciliation for 2007.

Retired Army General Francisco Uson remained imprisoned at the Ramo Verde military prison for "defaming" the army, despite being retired and not subject to military jurisdiction. There were indications in July that Uson was threatened, specifically that his "physical and moral integrity" were in danger. Sources close to Uson claimed that prison authorities sought to "eliminate" certain prisoners who were an "annoyance" to the Government.

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. Although Simonovis was not present at the site of the unrest, he and the 10 other prisoners were accused of shooting and killing unarmed protesters. The defendants argued that they were protecting the protesters and were ambushed. Simonovis, Vivas, and Forero have remained imprisoned for approximately two years, while the eight additional officers have been in jail for more than three years.

On May 30, DISIP officials arrested and detained the former opposition governor of Yaracuy State, Eduardo Lapi, on charges of corruption and misappropriation of government funds, stemming from a highway project during his administration, which ended in 2004. Lapi remained imprisoned even though his case had not made it to trial. While governor, he was an outspoken critic of President Chavez. The prosecution claimed Lapi was considered a flight risk, thus necessitating his detention, although Lapi volunteered to surrender his passport. Lapi's trial has been delayed 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 was the Institute for the Defense of the Consumer and the User (INDECU), which fell 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 domestic home and personal privacy; however, security forces routinely infringed on citizens' privacy rights by searching homes without warrants, for example during anticrime sweeps in poor neighborhoods. There were reports of illegal wiretapping and invasion of privacy by the security forces.

On August 17, Attorney General Isaias Rodriguez acknowledged that charges of complicity in the alleged August 13 escape of former labor leader Carlos Ortega and members of the Faria military family from the Ramo Verde military prison, which were levied against independent television network Globovision, were based on intercepted e-mails from the network's director's assistant. Rodriguez refused to answer questions about whether or not there was proper legal authorization to intercept the correspondence.

The Government was complicit with others, including MVR deputy Luis Tascon, in creating and maintaining the "Tascon" and "Maisanta" Lists, which were used to identify and punish regime opponents. Early in the year, the Tascon List, which

provided names and identification numbers of all persons who had signed petitions to recall President Chavez, was combined with lists of participants in the country's social missions and voting records. The combined lists created a program, called Programa Maisanta that not only identified the political orientation of individuals but also attempted to characterize the degree of their revolutionary dedication.

The use of fingerprint machines and electronic voting led many citizens to believe their votes were not secret and were subject to government tampering. Opponents of these methods in November 2005 demonstrated that the fingerprint machines held flash memory, in theory permitting vote sequence to be recorded and thereby fueling speculation that voter identity could be reconstructed. Some voters feared that the Government, if it could obtain voting records, would use the information against those supporting the opposition. Signatures provided to the CNE for the 2004 recall referendum were circulated via the Tascon List, which the Government used to harass, and in many cases fire, opposition supporters. Voter intimidation remained a very significant factor during the December elections.

In its annual report released in December, PROVEA 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 (see section 3).

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 new laws governing libel and broadcast media content, legal harassment, and physical intimidation 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, engendering a repressive attitude towards a free press.

The President frequently preempted broadcasting on the nation's airwaves to present government programs. 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. Major independent all-news outlet Globovision reported on August 15 that independent journalists were denied access to penal installations at Ramo Verde, the military prison from which four high-profile prisoners escaped on August 13. According to Globovision, only official government media outlets were given access inside the facility. Globovision also reported that on August 17, several of their journalists were detained while covering the processing of 14 military officials charged with involvement in the escape. 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 March 2005 make insulting the President punishable by six 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 subject to a one- to three-year prison sentence and a fine. Inaccurate reporting that disturbs the public peace is punishable with a prison sentence of two to five 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 three- to six-month jail terms for those who practice journalism illegally. These requirements were waived for foreigners and opinion columnists.

Throughout the year, various international organizations expressed concern about the country's lack of press freedom and the harassment, intimidation, and violence, including killings, directed at journalists. Such harassment came from government actors as well as other government supporters. Amnesty International's 2005 report, issued in May, expressed concern that the Government used tax and administrative measures to restrict freedom of expression, for example by closing the newspaper El Impulso. At its annual assembly in September, the International American Press Association criticized the country's record on press freedom. On October 12, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights of the Organization of American States (OAS) presented a report covering the period from July to September 30, which highlighted infringements on freedom of expression in the country. Specifically, the special rapporteur highlighted the unsolved killing of Jesus Rojas Flores and the attack on regional newspaper Correo del Caronϕ.

On June 16, journalist Jose Joaquin Tovar Figueroa, editor of Ahora, was shot to death in Caracas. Reporters Without Borders believed that Tovar's murder was likely a direct result of his critical, anti-Chavez reporting. At year's end, no arrests had been made, and there were no further details about who was behind Tovar's killing.

On July 25, three journalists working for regional newspaper Diario Los Andes were attacked while investigating a story on border security in Tachira state. DISIP (intelligence) agents reportedly detained the journalists after spotting the photographer taking pictures and demanded they turn over the camera. A DISIP agent beat one of the journalists while attempting to pull her from the vehicle.

On July 26, approximately 40 individuals, including municipal employees, forced their way into a radio interview and hurled invectives at the interviewee, the editor of El Carabobeno. The protesters burned issues of the newspaper and threatened to set fire to the building.

On August 23, journalist Jesus Flores Rojas was killed in Anzoategui State. Flores was critical of the Government in his writings and in his weekly columns attributed to public officials possible acts of corruption. Several international organizations condemned the killing, and Reporters Without Borders indicated Flores's killing was directly tied to his critical writings. By year's end, there had been no arrests made in regard to this killing.

On August 26, police officers in Simon Rodriguez Municipality of Anzoategui State beat and insulted Adrian Salazar, a reporter for the daily Nueva Prensa de Oriente. Salazar stated that he did not know the motive for the beating but did not dismiss the possibility it was related to his journalistic endeavors. The police officers accosted him as he arrived at his home. They were later stripped of their official responsibilities, pending investigation of the matter.

On September 22, the chief of security for the municipality of Sucre, in Bolivar State, along with one of the mayor's bodyguards, attacked the headquarters of radio station La Maripena. The attackers broke protective barriers of the station's transmitter and threw rocks into the building. The Venezuelan Institute of Press and Society reported that the attackers responded violently to the radio station director's photographing them while they were guarding official vehicles during a miners' protest. Following the attack, the perpetrators stole one of the radio station's transmitters, causing an outage that lasted two days. Media reports speculated that the attacks were in response to the radio station's criticism of government acts.

While the law permits the President to suspend telecommunications broadcasts, it was not invoked during the year; however, the Government threatened to review and cancel broadcasting licenses. On June 14, President Chavez announced he had directed a review of all radio and television licenses because many outlets had hidden behind "freedom of expression" in an effort to divide the country.

Some commercial radio stations complained that broadcasting frequencies for community radios were not allocated in accordance with broadcast regulations. According to the National Venezuelan Radio Broadcasting Chamber, most of these community radio stations neither received broadcasting licenses nor followed regulations, and they interfered with the broadcasts of licensed stations. The Government reportedly funded the community stations, whose broadcasting was progovernment.

The law permits the Government to order national broadcast cadenas (lengthy, commercial-free programming, usually consisting of Presidential speeches) to require all broadcast media to preempt scheduled programming and transmit the Government's entire message. Use of cadenas was much more restrained in elections during the year, compared to 2005. Both the OAS and EU, however, mentioned abuse of government resources as an irregularity during the election campaign, citing cadenas and other government public media methods. According to private media sources, there were approximately 182 cadenas during the year, totaling more than 90 hours of air time.

In mid-March the Government temporarily imprisoned two journalists. Gustavo Azocar, a Tachira state journalist who questioned the qualifications of a judge involved in a sensitive political case, was imprisoned March 7 pending trial for allegedly failing to appear at court dates. One week later, on March 13, a Caracas court issued an arrest warrant for El Nacional columnist Ibeyise Pacheco, who was found guilty of defamation in 2005 and punished with nine months of house arrest (after reportedly being threatened with detention at DISIP). Both journalists were released almost immediately following international outcry.

On July 13, an appeals court sentenced journalist Henry Crespo to one year and four months in prison for allegedly defaming the MVR governor of Guarico State, Eduardo Manuitt.

On August 11, a circuit court judge issued an arrest warrant against Miguel Salazar, editor of the weekly Las Verdades de Miguel. Salazar, who was facing prosecution for aggravated slander, reportedly failed to appear before the court, as or-

dered by the judge. Salazar was accused of slandering several high-ranking officials, including the former secretary of the presidency, the governor of Guarico State, and a National Assembly deputy and his political party.

On May 18, the MVR-controlled Bolivar state legislature decided that the building in which the anti-Chavez newspaper Correo del Caroni operated had been incorrectly purchased and zoned in 1991 and recommended to the state governor that the building be demolished and the newspaper closed. On June 26, an act of sabotage left the newspaper without electricity and caused an explosion.

On June 19, Numa Rojas, the MVR mayor of Maturin, Monagas State, withdrew all municipal advertisements and indicated that reporters from two local newspapers would be denied access to city hall and MVR headquarters. Rojas reportedly acted in retaliation for the papers' accusations of corruption against the daughter of the mayor's girlfriend. Rojas held a public rally in Maturin inviting municipal employees to assemble and protest against those media that opposed him.

On June 8, the National Telecommunications Commission (CONATEL) forced the removal of Valencia radio station 810 AM's transmitter from public lands. The stated justification for the closure concerned ownership and zoning of the real estate where the transmitter was located. The closure was seen by station management and other media as a government effort to close all media outlets that criticized the President. CONATEL ordered the radio station to relocate within a period of 45 days; citing insufficient resources and time to do so, the radio station closed down.

On August 7, supporters of the independent political movement ROGE assaulted journalist Manases Capriles of the daily El Siglo when he was covering a protest in the town of Turmero, Aragua State. According to Capriles, a town councilmember who belongs to the movement tried to snatch the notebook in which Capriles was taking notes and threatened to kill him. Several other protesters surrounded Capriles and beat him with sticks. Several policemen were reportedly present but did nothing to stop the beating.

On December 28, President Chavez announced that the Government would not renew the broadcast license of Radio Caracas Television, the country's oldest commercial television network. The Government accused the network owners of being "coup-mongers" and of violating the public trust. International press freedom organizations, including Reporters Without Borders, the Inter-American Press Association, and the Inter-American Commission on Human Rights special rapporteur for freedom of expression, condemned the decision as an attempt to silence a media outlet.

Internet Freedom.—There were no government restrictions on access to the Internet. The Government sometimes monitored some e-mails (see section 1.f.). 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 reported 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. PROVEA noted that at least 113 injuries resulted from security force interventions in peaceful demonstrations, a significant decrease from the previous year.

There was also one death reported during a peaceful demonstration. PROVEA reported that Jose Gonzalez, a student protester in Cumana, Sucre State, was killed on March 21, when he fell from the roof of a building as a result of being struck by a tear gas canister thrown by a police officer.

Human rights groups continued to criticize the March 2005 penal code revision for the strict penalties it imposes on some forms of peaceful demonstration. The law outlaws pot-banging protests often identified with opponents of the Government and punishes street closures with up to eight-year prison terms. The NGO Foro Penal filed an official complaint before the Supreme Court on June 27, challenging the legality of this measure, which, by year's end, had not been heard.

Government supporters sometimes disrupted marches and rallies. Supporters and opponents of the Government demonstrated in the capital and other cities during the year. Opposition Presidential candidate Manuel Rosales's campaign rallies and marches were often disrupted by government supporters, who typically threw bottles and other debris at Rosales supporters.

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 CNE repeatedly interfered with their attempts to hold internal elections. A 2000 Supreme Tribunal of Justice ruling declared that groups belonging to civil society could not receive money from foreign governments or groups influ-

enced by foreign governments, engage in political activism, or be run by members of the military or religious groups. The Government indefinitely postponed its conspiracy case against the NGO SUMATE, which was based in part on the fact that the organization received financing from abroad (see section 4).

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 (DJR) is mandated to maintain a registry of religious groups. 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. Foreign missionaries require a special visa to enter the country, and they noted increased difficulties.

Catholic bishops continued to urge the Government to protect democratic freedoms, including voting rights.

On February 3 the Supreme Court denied the request of the New Tribes Mission for a stay of the Interior Ministry's November 2005 resolution ordering the group's withdrawal. The New Tribes Mission subsequently removed all of its personnel from indigenous tribal areas in compliance with the ruling, but continues to appeal the decision.

Societal Abuses and Discrimination.—There were reports that citizens harassed Mormon missionaries in poor areas.

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. Incidents of intimidation, vandalism, and physical attacks against Jewish institutions became more frequent.

The Anti-Defamation League (ADL) reported that the President and government officials expressed anti-Semitic sentiments, blaming Israel and the Jews for the world's problems and utilizing stereotypes about Jewish financial influence and control. For example, in an interview broadcast domestically and on Al-Jazeera television, President Chavez said Israel's actions regarding the Palestinians and Lebanon were "perpetrated in the fascist manner of Hitler—they are doing what Hitler did to the Jews."

On January 21, a group of Jewish intellectuals published a letter condemning remarks made by President Chavez in December 2005 referring to "some minorities, the descendants of the same ones who crucified Christ." Some international Jewish groups and observers criticized Chavez' remarks as anti-Semitic; others said his remarks were simply anti-imperialistic. Days later, the Government announced that it would remove from the Caracas Museum of Contemporary Art the name of Sofia Imber, the retired museum founder and a signatory to the letter. Imber said the name change was already in the offing but considered the timing a result of her signing the January 21 letter.

The local Jewish community maintained strong concerns over anti-Semitic comments that regularly appeared in the Government's de facto official daily newspaper, Vea, and some recurring slurs by the hosts of La Hojilla, a pro-Chavez talk show on official government television.

Anti-Semitic graffiti increased on synagogue walls in the Caracas areas following the July-August conflict involving Israel and Lebanon, and editorials and political cartoons in government media outlets adopted pro-Hizballah stances and often failed to distinguish between anti-Semitic and anti-Israeli sentiments. The ADL documented that anti-Semitic graffiti and leaflets appeared near synagogues and densely populated Jewish neighborhoods with statements including "Jews Assassins," "Jews Dogs," "Go Away Zionists," and with Stars of David equated with swastikas.

For a more detailed discussion, see the 2006 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for these rights, and the Government generally respected them in practice, although there were numerous reports that persons were denied passports and other official documents by government agencies for having signed the 2004 recall referendum. There were regular reports of individuals bribing authorities for expedited issuance of identification documents. 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 UN Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where they feared persecution.

The Government cooperated with the UN High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported 2,566 applicants for refugee status in the country during the year, 261 of whom were recognized as refugees.

On October 17, according to the Jesuit Refugee Service of Venezuela (SJR), armed militants forcibly displaced 32 families numbering almost 300 individuals from Santa Ines Village in Apure State. The 32 families were a mixture of Colombian refugees and internally displaced persons. With the SJR's assistance, 21 individuals presented official complaints to the Public Ministry, which had not been addressed by year's end.

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 through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—On December 3, voters reelected Hugo Chavez as President in elections that observers judged to be generally free and fair. The European Union, the OAS, and the Carter Center sent official electoral observation missions and deemed the elections to be generally free and fair. President Chavez was reelected with approximately 63 percent of the national vote. Chavez received the most votes in each state in the country, as well as in the Caracas metropolitan area. While judged to be generally free and fair, the observation missions did note some irregularities, such as the Government's failure to heed previous observer missions' recommendations. They also noted minor problems with the "Plan Republica," the military's plan to enforce security at polling sites and protect the integrity of both voters and voting materials.

Eighty-one different political parties appeared on the Presidential ballot in December. Notable political party Christian Democrats barely surpassed the threshold of 1 percent of votes needed to remain on the ballot. Movement Towards Socialism failed to obtain enough votes to remain on the ballot, barring collection of the requisite number of signatures. Democratic Action, having boycotted national elections for two elections in a row, also lost the right to remain on the ballot without a signature drive.

In December, following his reelection, Chavez announced the dissolution of the primary political party, the Fifth Republic Movement, and his plans to create one unified progovernment party.

In September opposition members revealed a videotape of the minister of energy and President of the state oil-company PDVSA, Rafael Ramirez, threatening workers with loss of their jobs if they did not vote for the Government in December elections. Ramirez invoked the terminology "rojo, rojito" ("red, very red") to describe the political orientation of the oil company. Other government agencies, including the military and Ministry of Foreign Affairs, adopted the mantra as a manner of proclaiming their loyalty to the current government (see section 1.f.).

In May the National Assembly appointed a new five-member CNE board consisting of four progovernment representatives and one opposition member, skewing the CNE in the Government's favor.

There were 34 women in the 165-seat assembly, 3 women in the 21-member cabinet, and nine women among the 32 justices on the Supreme Tribunal of Justice.

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.—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 was investigated. Officials acknowledged that the National Office of Identification and Immigration, the agency responsible for issuing identity cards and passports, was corrupt.

On May 24, the Government's Moral Republican Council suspended Supreme Court Justice Luis Velasquez Alvaray for alleged mismanagement of public funds earmarked to purchase property for the construction of a judicial complex. Velasquez Alvaray counter-accused several high-ranking government officials, including Vice President Jose Vicente Rangel, of corruption. On June 8, the National

Assembly unanimously voted to remove Velasquez Alvaray. Amid concerns of safety following his counteraccusations, Velasquez Alvaray disappeared, and at year's end his whereabouts were uncertain.

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 Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of independent domestic and international human rights groups generally operated without government restriction, 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 COFAVIC, PROVEA, Red de Apoyo, and the Venezuelan Prison Observatory. However, many NGOs reported threats and harassment, especially in a climate of possible criminalization of receipt of foreign funding. For example, the director of Una Ventana a la Libertad reported receiving threatening phone calls and that DISIP agents told him that he and his family were being watched for receiving funds from foreign government agencies.

COFAVIC's executive director continued to operate under threats of personal harm. The Interamerican Commission of Human Rights ruled in 2005 that the threats were credible and ruled the Government should provide her security detail. After Caracas Metropolitan Police withdrew these bodyguards in late 2005, the IACHR reinstituted the security detail. In October COFAVIC's director indicated that the Government continued to try to convince the courts to overrule the IACHR ruling, suggesting that the threats were fabricated.

In July 2005 a Caracas court ruled that SUMATE leaders Maria Corina Machado, Alejandro Plaz, Luis Enrique Palacios, and Ricardo Estevez would stand trial for conspiracy to destroy the country's republican form of government. The charges were based on the group's acceptance of funds from a foreign source in 2003. The trial briefly resumed during the year but was indefinitely postponed. The defendants were free pending trial at year's end.

However, in mid-July the National Assembly opened a separate investigation against SUMATE leaders for treason, conspiring against the National Electoral Council, and inciting criminal activity because they allegedly accepted foreign money to organize an opposition primary to choose a Presidential candidate for the December election. The legislature's investigation concluded that the NGO attempted to commit treason, evade taxes, and violate foreign exchange rules. The results were forwarded to the Attorney General, Foreign Exchange Commission, and Tax Authority for follow-up. As of late October, the Tax Authority and superintendent of banks had begun investigations into Machado's and Plaz's personal and business activities.

A draft International Cooperation Law was under consideration in the National Assembly at year's end. The draft law clearly delineates those sectors in which NGOs are allowed to function; noticeably absent from the list are sectors such as human rights and democracy promotion or advocacy. The proposed legislation would also establish a public entity that reports directly to the President and "which is to be responsible and charged with carrying out and backing international cooperation policies, projects, and activities fostered by the State, by drawing on, providing, and administering funds originating from or destined to international cooperation activities" and gives the Government the option of requiring international donors to deposit their funding in a government fund, which would administer these funds on behalf of the donors. The proposed legislation would also create a parallel registration mechanism (above and beyond the civil registration, the tax system, social security registration, etc.), which would require each NGO to submit to a series of requirements specified by the Government, after which the federal government would decide whether or not they can be registered, and, in turn, operate in the country. The law, if enacted, would be regulated by decree of the President of the republic, allowing him or her to establish any regulation or addendum to the law by executive order.

Several domestic human rights NGOs received threats and intimidation by government representatives and supporters. On April 21, unknown assailants shot and injured human rights defender Maria del Rosario Guerrero Galluci and her husband Adolfo Martinez Barrios in Guarico State. Guerrero had accused the Guarico police of human rights abuses.

The Government cooperated with international governmental organizations and permitted visits by OAS representatives. The OAS, EU, and the Carter Center all received invitations and sent official electoral observation missions to the country

to cover the December Presidential election. The Government, however, considerably delayed the accreditation of these missions, in some cases not agreeing to their observation until only weeks prior the election—thereby reducing the missions' ability to efficiently prepare for an impartial and thorough observation.

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.

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 were problems.

Women.—The law prohibits domestic violence, and violators faced penalties of six to 18 months in prison. Violence against women continued to be a problem, and women faced substantial institutional and societal prejudice with respect to rape and domestic violence. The Center for Women's Studies reported that one woman in Caracas died every 10 days from domestic 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 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 2005 and administered by the National Women's Institute, a government agency. It was widely advertised during the year and continued to enjoy much success.

On November 25, the National Assembly passed the Organic Law on the Right of Women to a Life Free of Violence. The law preserves the life and physical integrity of women facing violent circumstances or who may be vulnerable to violence.

The law prohibits rape, including spousal rape, but it remained a problem. Rape is punishable with prison terms of eight to 14 years, although cases often were not reported to the police. An adult man guilty of raping an adult female acquaintance may avoid punishment if he marries the victim before sentencing.

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 six 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. Although reliable official statistics were unavailable, the Central Venezuelan University's Center for Women's Studies reported that the unemployment rate for women was generally believed to be 3 percent higher than that for men. Some estimates placed female unemployment as high as 22 percent. The National Institute for Women, a government agency, worked to protect women's rights.

Through November the Women's Development Bank (BANMUJER), administered by the Ministry of Popular Economy, awarded 12,450 loans, totaling approximately $28 million (60 million bolivars), that benefited more than 340,000 individuals. BANMUJER also held professional training courses on the creation of microbusinesses for approximately 109,000 individuals.

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.

The Fatherland For All political party and the Women's Manuelita Saenz Movement held a national conference in August with the aim of creating a national strategy to institutionalize women's roles in the political and economic sectors.

Children.—The Government was committed to children's rights and welfare. The law provides for universal, compulsory, and free education up to the university-pre-

paratory level; however, the UN Children's Fund (UNICEF) reported that in 2004 an estimated 45 percent of boys and 35 percent of girls left school before the ninth grade. 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. UNICEF concurred that official government statistics, putting this figure at 1,500, grossly underrepresented the actual number. 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 (see section 1.c.).

Trafficking in Persons.—Although the constitution prohibits slavery or servitude and the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country. There is no implementing law specifically for prosecution of trafficking in persons.

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, 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 Colombia, China, Peru, Ecuador, and the Dominican Republic 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 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 from poor areas.

Trafficking may be prosecuted under laws against forced disappearance and kidnapping, with penalties of two to six years' imprisonment, and under a law to protect children, with a penalty of one to 10 months' income for trafficking in children and two to six 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. Several NGOs complained that they lacked government support and cooperation to assist victims and prevent future cases of human trafficking.

In August the Ministry of Interior and Justice hosted a roundtable on trafficking in persons; the minister of justice presided, and nearly every cabinet ministry had high-level representation. The heads of the CICPC and DISIP, as well as local NGO experts on the subject, participated. The event culminated with a comprehensive plan to address trafficking in persons in the country, although by year's end the plan had not been implemented.

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 to 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 316,000 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.

The NGO Consorcio Desarrollo y Justicia reported that the federal government did not recognize these lands and continued to fail to hand over any such land that it considered government-owned. The Government also drew arbitrary boundaries around lands claimed by indigenous groups, to their detriment.

Although the National Agrarian Institute granted the Bari and Sierra de Perija indigenous communities property rights to 200 hectares for 20 years, the Government did not recognize these property rights during the year. The Environment and Natural Resources Ministry redrew the demarcation lines, severely limiting these communities' claims to this land. The few hectares left to these communities were heavily populated by strip mining interests.

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.

The CNE has the authority to administer internal elections of labor confederations. In 2004 the CNE issued regulations governing internal elections that many labor leaders claimed violated freedom of association. Furthermore, the CNE failed to certify the results of elections held during the year by more than 500 unions and federations under these new regulations. Labor leaders complained that the CNE also failed to give permission to hold elections to hundreds of unions and federations.

In January 2005 the CNE passed a resolution annulling the CTV's 2001 election results. In addition the Government refused to appoint the CTV secretary general as labor's representative at the International Labor Organization (ILO) annual meeting. In 2005 the ILO called upon the Government to recognize the CTV's elected leadership, but the Government had not done so.

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 to 2003 national strike (see section 6.b.).

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 continued to object 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."

The Government continued to show preference toward government-affiliated unions in collective bargaining agreements and fostered the creation of parallel unions such as the National Union of Venezuelan Workers. CTV leaders claimed that the Ministry of Labor routinely rejected collective bargaining agreements negotiated by CTV affiliates on administrative grounds. CTV leaders further claimed that, in those sectors or firms where contracts were rejected, ministry officials facilitated the rapid formation of parallel unions, which legally could force a vote among workers over which union would represent them. The CTV also complained that the ministry usually designated the parallel union as the one authorized to negotiate the contract.

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 resolved approximately 25 percent of the cases involving 19,000 PDVSA employees who were fired during and in the aftermath of the 2002–03 national strike. The Government continued to deny the former workers severance and pension benefits as well as access to company housing, schools, and medical clinics.

On August 13, former CTV President Carlos Ortega, who in December 2005 was convicted and sentenced to 16 years' imprisonment for his role in the 2002–03 national strike, escaped from Ramo Verde prison. His whereabouts were unknown at year's end.

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 (see sections 5 and 6.d.).

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 one million minors working in the country and that a large percentage of them did not receive the benefits due to them under the law.

The law permits children between the ages of 12 and 14 to work only if the National Institute for Minors or the Ministry of Labor grants special permission; children between the ages of 14 and 16 may not work without the permission of their legal guardians. Those under 16 years of age may by law work no more than six 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 eight to 11, and for employing a 12- or 13-year-old without a work authorization. Employing a child younger than eight years of age is punishable by one to three years' imprisonment. The law prohibits inducing the prostitution and corruption of minors. Penalties range from three to 18 months in prison and up to four 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 three to six years' imprisonment. Prison sentences for inducing a minor into prostitution are increased by up to five 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 one to three 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. The Government also provided free adult educational and technical training through the Barrio Adentro Mission program.

e. Acceptable Conditions of Work.—Minimum wage rates are adjusted annually by administrative decree, which the legislature may suspend or ratify but may not change. In September the Government raised the monthly minimum wage to $238 (512,325 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 work week 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 two 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.

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 obvious 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 that 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, which are addressed in Section 5.

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 because 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 Within the Country, Foreign Travel, Emigration, and Repatriation.—Includes subsections "Internally Displaced Persons (IDPs)" (if applicable) and "Protection of Refugees." Refugees may refer to persons displaced by civil strife or natural disaster as well as persons who are "refugees" within the meaning of the Refugee Act of 1980, that is, persons with a "well-founded fear of persecution" in their country of origin or, if stateless, in their country of habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion. The section also discusses whether, and under what circumstances, governments exiled citizens, restricted foreign travel, especially for women, and revoked passports.

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 government 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. 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 traf-

ficking 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 the international legal principle contained in the Convention relating to the Status of Refugees that prohibits states 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 these standards. For example, many ILO standards concerning working conditions permit flexibility in their scope, implementation, and coverage. Governments are expected to take steps over time to achieve the higher levels specified in such standards. However, this flexibility applies only to internationally recognized standards concerning working conditions, 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.

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 essential services, the interruption of which would endanger the life, personal safety, or health of a significant portion of the population, and in the public sector, these restrictions must be offset by ade-

quate 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.

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.

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."

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.

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

(See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
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
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
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

APPENDIX C.—Selected International Human Rights Conventions—Continued

(See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
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 of	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Congo, Republic of	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
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
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
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	—	—	—	.....	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	—
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
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, Dem. 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

APPENDIX C.—Selected International Human Rights Conventions—Continued

(See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
Kuwait	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	S	—	—	—	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
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	—
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
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	—	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
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
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

APPENDIX C.—Selected International Human Rights Conventions—Continued

(See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
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
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	—
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

Yemen	P	P	P	P	P	P	P	P	—	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Yugoslavia (the 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

P = Party
S = Signatory
* = non-ILO member
1 = Based on general declaration concerning treaty obligations prior to independence
2 = Party to 1926 Convention only

Key to Human Rights Conventions: A—Slavery B—ILO Convention 29 C—ILO Convention 87 D— Genocide E—ILO Convention 98 F—Prisoners of War G—Civilians in War H—Traffic in Persons I—European HR Conv. J—Pol. Rights of Women K—Suppl. Slavery Conv. L—ILO Convention 105 M—Racial Discrimination N—Civil and Pol. Rights O—Econ./Soc./Cul. Rights P—UN Refugee Convention Q—UN Refugee Protocol R—American HR Conv. S—ILO Convention 138 T—Geneva Protocol I U—Geneva Protocol II V—Disc. Against Women W—Torture X—Rights of the Child Y—ILO Convention 182

APPENDIX D

Description of International Human Rights Conventions in Appendix C

A. Convention to Suppress the Slave Trade and Slavery of September 25,1926, as amended by the Protocol of December 7, 1953.

B. Convention Concerning Forced Labor of June 28, 1930 (ILO Convention 29).

C. Convention Concerning Freedom of Association and Protection of the Right to Organize of July 9, 1948 (ILO Convention 87).

D. Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948.

E. Convention Concerning the Application of the Principles of the Right to Organize and Bargain Collectively of July 1, 1949 (ILO Convention 98).

F. Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

G. Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

H. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of March 21, 1950.

I. European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.

J. Convention on the Political Rights of Women of March 31, 1953.

K. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956.

L. Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105).

M. International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965.

N. International Covenant on Civil and Political Rights of December 16, 1966.

O. International Covenant on Economic, Social and Cultural Rights of December 16, 1966.

P. Convention Relating to the Status of Refugees of July 28, 1951.

Q. Protocol Relating to the Status of Refugees of January 31, 1967.

R. American Convention on Human Rights of November 22, 1969.

S. Convention Concerning Minimum Age for Admission to Employment of June 26, 1973 (ILO Convention 138).

T. 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.

U. 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.

V. Convention on the Elimination of All Forms of Discrimination Against Women of December 18, 1979.

W. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

X. Convention on the Rights of the Child of November 20, 1989.

Y. 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.—Country Assistance FY 2006

($ in thousands)

Country/Account Summary	TOTAL	ACI	SEED	FSA	CSH	DA	ESF	FMF	GHAI	IMET	INCLE	MRA	NADR	PKO	PL 480	TI	OTHER
TOTALS	21,840,171	727,155	357,390	508,860	1,591,425	1,508,760	2,616,075	4,464,900	1,975,050	85,877	472,428	783,090	405,999	173,250	1,138,500	39,600	4,991,812
Africa	3,635,295	—	—	—	391,936	596,273	133,135	13,860	1,239,152	10,177	3,168	—	26,446	110,866	850,873	14,583	244,826
Angola	32,171	—	—	—	13,634	5,468	2,970	—	—	486	—	—	6,120	—	3,493	—	—
Benin	16,731	—	—	—	7,606	4,378	—	—	—	145	—	—	—	—	1,591	—	3,011
Botswana	43,231	—	—	—	—	—	—	—	41,000	760	—	—	—	—	—	—	1,471
Burkina Faso	20,611	—	—	—	—	—	—	—	—	123	—	—	—	—	17,709	—	2,779
Burundi	25,488	—	—	—	2,570	2,917	3,811	—	—	140	—	—	—	—	14,669	1,381	—
Cameroon	3,225	—	—	—	—	—	—	—	—	231	—	—	—	—	—	—	2,994
Cape Verde	7,011	—	—	—	—	—	—	—	—	124	—	—	—	—	5,195	—	1,692
Central African Republic	670	—	—	—	—	—	—	—	—	105	—	—	—	—	565	—	—
Chad	30,539	—	—	—	—	—	—	—	—	342	—	—	2,405	—	26,475	—	1,317
Comoros	53	—	—	—	—	—	—	—	—	53	—	—	—	—	—	—	—
Cote d'Ivoire	33,676	—	—	—	—	—	—	—	30,137	—	—	—	100	—	3,439	—	—
Democratic Republic of the Congo	90,176	—	—	—	23,537	21,447	4,950	—	—	306	—	—	—	—	39,898	38	—
Djibouti	11,431	—	—	—	—	—	4,950	3,960	—	307	—	—	120	—	2,094	—	—
Eritrea	2,832	—	—	—	—	—	—	—	—	—	—	—	400	—	2,432	—	—
Ethiopia	307,850	—	—	—	30,692	31,910	9,900	1,980	109,500	594	—	—	270	—	123,004	—	—
Gabon	231	—	—	—	—	—	—	—	—	231	—	—	—	—	—	—	—
Gambia	5,202	—	—	—	—	—	—	—	—	72	—	—	—	—	3,034	—	2,096
Ghana	72,104	—	—	—	18,157	27,354	—	495	—	645	—	—	100	—	22,656	—	2,697
Guinea	27,139	—	—	—	7,001	9,140	—	—	—	376	—	—	—	—	8,330	—	2,292
Guinea-Bissau	136	—	—	—	—	—	—	—	—	136	—	—	—	—	—	—	—
Kenya	272,677	—	—	—	17,840	21,615	6,420	—	175,950	—	—	—	4,763	—	42,965	—	3,124
Lesotho	2,297	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2,297
Liberia	105,997	—	—	—	2,867	23,726	42,719	1,980	—	130	990	—	220	—	26,971	6,394	—
Madagascar	40,666	—	—	—	11,526	10,266	—	—	—	231	—	—	—	—	16,426	—	2,217
Malawi	50,047	—	—	—	21,125	18,632	—	—	—	345	—	—	—	—	7,838	—	2,107
Mali	42,483	—	—	—	16,554	15,349	—	—	—	—	—	—	564	—	6,361	—	3,655
Mauritania	8,960	—	—	—	—	—	—	—	—	—	—	—	—	—	6,065	—	2,895
Mauritius	1,029	—	—	—	—	—	—	—	—	126	—	—	903	—	—	—	—

APPENDIX E.—Country Assistance FY 2006—Continued

($ in thousands)

Country/Account Summary	TOTAL	ACI	SEED	FSA	CSH	DA	ESF	FMF	GHAI	IMET	INCLE	MRA	NADR	PKO	PL 480	TI	OTHER
Mozambique	130,791	—	—	—	17,262	13,407	—	—	79,600	245	—	—	2,344	—	15,601	—	2,332
Namibia	62,395	—	—	—	1,168	7,079	—	—	51,500	—	—	—	—	—	—	—	2,648
Niger	23,162	—	—	—	—	—	—	—	—	—	—	—	905	—	19,445	—	2,812
Nigeria	180,354	—	—	—	21,544	12,488	4,950	990	138,600	792	990	—	—	—	—	—	—
Republic of the Congo	939	—	—	—	—	—	—	—	—	155	—	—	—	—	784	—	—
Rwanda	95,259	—	—	—	7,284	7,257	—	—	60,000	288	—	—	—	—	20,430	—	—
Sao Tome and Principe	289	—	—	—	—	—	—	—	—	289	—	—	—	—	—	—	—
Senegal	51,245	—	—	—	14,001	25,909	—	495	—	1,089	—	—	1,200	—	4,503	—	4,048
Seychelles	103	—	—	—	—	—	—	—	—	103	—	—	—	—	—	—	—
Sierra Leone	29,538	—	—	—	—	3,756	13,000	—	—	311	—	—	—	—	12,471	—	—
Somalia	35,289	—	—	—	—	7,912	—	—	—	—	—	—	—	—	27,377	—	—
South Africa	227,587	—	—	—	5,070	25,662	1,287	—	191,553	—	594	—	39	—	—	—	3,382
Sudan	498,773	—	—	—	19,000	70,000	19,800	—	—	—	—	—	3,020	70,000	145,208	6,755	164,990
Swaziland	2,005	—	—	—	—	—	—	—	—	123	—	—	—	—	—	—	1,882
Tanzania	154,013	—	—	—	21,954	12,617	—	—	100,312	—	—	—	2,701	—	13,711	—	2,718
Togo	2,756	—	—	—	—	—	—	—	—	37	—	—	32	—	—	—	2,687
Uganda	246,232	—	—	—	20,648	23,414	—	—	145,000	340	—	—	140	—	54,862	—	1,828
Zambia	168,880	—	—	—	16,004	27,972	—	—	116,000	261	—	—	100	—	4,488	—	4,055
Zimbabwe	17,559	—	—	—	10,973	3,601	2,970	—	—	—	—	—	—	—	—	15	—
Africa Regional	158,117	—	—	—	28,204	68,949	15,408	3,960	—	136	594	—	—	40,866	—	—	—
Central Africa Regional	17,500	—	—	—	—	17,500	—	—	—	—	—	—	—	—	—	—	—
East Africa Regional	45,197	—	—	—	10,098	20,299	—	—	—	—	—	—	—	—	—	—	14,800
Southern Africa Regional	174,983	—	—	—	7,401	16,799	—	—	—	—	—	—	—	—	150,783	—	—
West Africa Regional	57,666	—	—	—	18,216	39,450	—	—	—	—	—	—	—	—	—	—	—
East Asia & Pacific	537,360	—	—	—	106,551	96,988	181,665	37,867	31,214	9,169	10,395	—	31,049	—	14,068	—	18,394
Brunei	18	—	—	—	—	—	—	—	—	—	—	—	18	—	—	—	—
Burma	10,890	—	—	—	—	—	10,890	—	—	—	—	—	—	—	—	—	—
Cambodia	56,014	—	—	—	28,556	5,483	14,850	990	—	54	—	—	5,000	—	—	—	1,081
China	10,593	—	—	—	—	4,950	3,960	—	—	—	—	—	—	—	—	—	1,683
East Timor	23,487	—	—	—	—	—	18,810	990	—	193	1,485	—	—	—	1,182	—	827

Fiji	2,561	—	—	—	—	—	—	494	—	235	—	—	—	—	—	—	1,832
Indonesia	157,168	—	—	—	28,017	33,199	69,300	990	—	938	4,950	—	6,888	—	12,886	—	—
Kiribati	1,362	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,362
Laos	4,290	—	—	—	—	—	—	—	—	—	990	—	3,300	—	—	—	—
Malaysia	2,417	—	—	—	—	—	—	—	—	891	—	—	1,526	—	—	—	—
Mongolia	13,008	—	—	—	—	—	7,425	2,970	—	866	—	—	—	—	—	—	1,747
Papua New Guinea	288	—	—	—	—	—	—	—	—	288	—	—	—	—	—	—	—
Philippines	115,954	—	—	—	24,651	24,212	24,750	29,700	—	2,926	1,980	—	4,968	—	—	—	2,767
Samoa	1,368	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,368
Singapore	140	—	—	—	—	—	—	—	—	—	—	—	140	—	—	—	—
Solomon Islands	171	—	—	—	—	—	—	—	—	149	—	—	—	—	—	—	22
Taiwan	450	—	—	—	—	—	—	—	—	—	—	—	450	—	—	—	—
Thailand	12,035	—	—	—	—	—	990	1,485	—	2,369	990	—	3,989	—	—	—	2,212
Tonga	1,732	—	—	—	—	—	—	248	—	113	—	—	—	—	—	—	1,371
Vanuatu	2,220	—	—	—	—	—	—	—	—	98	—	—	—	—	—	—	2,122
Vietnam	40,831	—	—	—	—	3,818	1,980	—	31,214	49	—	—	3,770	—	—	—	—
East Asia and Pacific Regional	29,710	—	—	—	—	—	28,710	—	—	—	—	—	1,000	—	—	—	—
Asia and Near East Regional	17,654	—	—	—	6,386	11,268	—	—	—	—	—	—	—	—	—	—	—
Regional Development Mission—Asia	32,999	—	—	—	18,941	14,058	—	—	—	—	—	—	—	—	—	—	—
Europe and Eurasia	1,026,629	—	357,390	406,848	5,146	100	36,630	140,571	—	27,703	—	—	26,081	—	3,370	—	22,790
Albania	32,210	—	24,750	—	—	—	—	3,465	—	1,028	—	—	1,005	—	—	—	1,962
Armenia	76,312	—	—	69,000	—	—	—	3,960	—	838	—	—	700	—	—	—	1,814
Azerbaijan	47,873	—	—	34,205	—	—	—	3,960	—	823	—	—	5,064	—	1,954	—	1,867
Belarus	11,734	—	—	11,484	—	—	—	—	—	—	—	—	250	—	—	—	—
Bosnia and Herzegovina	51,022	—	39,600	—	—	—	—	8,910	—	973	—	—	1,539	—	—	—	—
Bulgaria	35,177	—	20,100	—	—	—	—	9,900	—	1,580	—	—	400	—	—	—	3,197
Croatia	16,150	—	14,850	—	—	—	—	—	—	—	—	—	1,300	—	—	—	—
Cyprus	20,150	—	—	—	—	—	19,800	—	—	—	—	—	350	—	—	—	—
Czech Republic	5,993	—	—	—	—	—	—	3,957	—	2,036	—	—	—	—	—	—	—
Estonia	5,797	—	—	—	—	—	—	4,451	—	1,296	—	—	50	—	—	—	—
Georgia	87,392	—	—	67,780	—	100	—	11,880	—	1,275	—	—	3,137	—	1,416	—	1,804
Greece	573	—	—	—	—	—	—	—	—	573	—	—	—	—	—	—	—
Hungary	4,799	—	—	—	—	—	—	2,474	—	1,685	—	—	640	—	—	—	—
Ireland	16,830	—	—	—	—	—	16,830	—	—	—	—	—	—	—	—	—	—
Kosovo	77,800	—	77,700	—	—	—	—	—	—	—	—	—	100	—	—	—	—

APPENDIX E.—Country Assistance FY 2006—Continued

($ in thousands)

Country/Account Summary	TOTAL	ACI	SEED	FSA	CSH	DA	ESF	FMF	GHAI	IMET	INCLE	MRA	NADR	PKO	PL 480	TI	OTHER
Latvia	7,376	—	—	—	—	—	—	5,940	—	1,326	—	—	110	—	—	—	—
Lithuania	6,274	—	—	—	—	—	—	4,455	—	1,281	—	—	538	—	—	—	—
Macedonia	43,732	—	35,100	—	—	—	—	3,960	—	700	—	—	2,295	—	—	—	1,677
Malta	760	—	—	—	—	—	—	—	—	—	—	—	760	—	—	—	—
Moldova	22,027	—	—	17,820	—	—	—	495	—	989	—	—	320	—	—	—	2,403
Montenegro	15,000	—	15,000	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Poland	31,840	—	—	—	—	—	—	29,700	—	2,140	—	—	—	—	—	—	—
Portugal	593	—	—	—	—	—	—	—	—	593	—	—	—	—	—	—	—
Romania	37,356	—	20,000	—	—	—	—	12,870	—	1,485	—	—	—	—	—	—	3,001
Russia	84,331	—	—	80,200	2,970	—	—	—	—	461	—	—	700	—	—	—	—
Serbia	71,010	—	69,450	—	—	—	—	—	—	—	—	—	1,560	—	—	—	—
Slovakia	5,328	—	—	—	—	—	—	3,960	—	962	—	—	406	—	—	—	—
Slovenia	1,439	—	—	—	—	—	—	494	—	895	—	—	50	—	—	—	—
Turkey	18,591	—	—	—	—	—	—	14,850	—	3,011	—	—	730	—	—	—	—
Ukraine	105,144	—	—	82,160	2,176	—	—	10,890	—	1,753	—	—	3,100	—	—	—	5,065
Eurasia Regional	44,199	—	—	44,199	—	—	—	—	—	—	—	—	—	—	—	—	—
Europe Regional	41,817	—	40,840	—	—	—	—	—	—	—	—	—	977	—	—	—	—
Near East	5,221,406	—	—	—	—	10,284	1,351,350	3,814,469	—	12,244	990	—	16,798	—	4,723	343	10,205
Algeria	823	—	—	—	—	—	—	—	—	823	—	—	—	—	—	—	—
Bahrain	19,005	—	—	—	—	—	—	15,593	—	651	—	—	2,761	—	—	—	—
Egypt	1,779,287	—	—	—	—	—	490,050	1,287,000	—	1,208	—	—	1,029	—	—	—	—
Iraq	60,390	—	—	—	—	—	55,440	—	—	—	—	—	—	—	—	—	4,950
Israel	2,495,326	—	—	—	—	—	237,600	2,257,200	—	—	—	—	526	—	—	—	—
Jordan	462,427	—	—	—	—	—	247,500	207,900	—	3,020	—	—	2,491	—	—	—	1,516
Kuwait	628	—	—	—	—	—	—	—	—	—	—	—	628	—	—	—	—
Lebanon	49,324	—	—	—	—	2,000	39,600	3,713	—	752	—	—	2,978	—	281	—	—
Morocco	38,937	—	—	—	—	8,284	10,890	12,375	—	1,884	990	—	775	—	—	—	3,739
Oman	15,395	—	—	—	—	—	—	13,860	—	1,135	—	—	400	—	—	—	—
Qatar	906	—	—	—	—	—	—	—	—	—	—	—	906	—	—	—	—
Saudi Arabia	1,577	—	—	—	—	—	—	—	—	—	—	—	1,577	—	—	—	—
Tunisia	10,285	—	—	—	—	—	—	8,413	—	1,847	—	—	25	—	—	—	—

United Arab Emirates	961	—	—	—	—	—	—	—	—	—	—	—	961	—	—	—	—
West Bank and Gaza	153,285	—	—	—	—	—	148,500	—	—	—	—	—	—	—	4,442	343	—
Yemen	18,700	—	—	—	—	—	7,920	8,415	—	924	—	—	1,441	—	—	—	—
Near East Regional	114,150	—	—	—	—	—	113,850	—	—	—	—	—	300	—	—	—	—
South and Central Asia	2,084,389	—	—	102,012	168,381	248,639	747,470	305,118	—	9,085	267,620	—	57,536	—	166,457	3,497	8,574
Afghanistan	967,780	—	—	—	41,449	174,021	428,600	—	—	979	232,650	—	30,050	—	60,031	—	—
Azerbaijan	1,867	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,867
Bangladesh	85,275	—	—	—	31,509	10,889	4,950	990	—	930	—	—	5,094	—	30,207	—	706
India	124,949	—	—	—	52,815	19,700	4,950	—	—	1,272	—	—	2,711	—	43,501	—	—
Kazakhstan	33,783	—	—	24,750	—	—	—	3,465	—	995	—	—	2,041	—	—	—	2,532
Kyrgyz Republic	36,525	—	—	29,029	—	—	—	1,881	—	887	—	—	2,917	—	—	—	1,811
Maldives	173	—	—	—	—	—	—	—	—	173	—	—	—	—	—	—	—
Nepal	35,582	—	—	—	18,613	8,393	4,950	—	—	644	—	—	—	—	1,213	1,769	—
Pakistan	706,609	—	—	—	22,757	26,990	296,595	297,000	—	2,037	34,970	—	8,585	—	17,675	—	—
Sri Lanka	14,527	—	—	—	—	3,705	3,960	990	—	529	—	—	3,615	—	—	1,728	—
Tajikistan	40,403	—	—	23,760	—	—	—	495	—	348	—	—	1,970	—	13,830	—	—
Turkmenistan	7,596	—	—	4,950	—	—	—	297	—	291	—	—	400	—	—	—	1,658
Uzbekistan	17,820	—	—	17,820	—	—	—	—	—	—	—	—	—	—	—	—	—
Central Asia Regional	2,941	—	—	1,703	1,238	—	—	—	—	—	—	—	—	—	—	—	—
South Asia Regional	4,941	—	—	—	—	4,941	—	—	—	—	—	—	—	—	—	—	—
South and Central Asia Regional	3,618	—	—	—	—	—	3,465	—	—	—	—	—	153	—	—	—	—
Western Hemisphere	1,639,779	683,325	—	—	140,861	262,360	120,456	109,950	65,300	12,876	63,535	—	13,710	—	109,613	13,623	44,170
Argentina	1,632	—	—	—	—	—	—	—	—	1,082	—	—	550	—	—	—	—
Bahamas	1,747	—	—	—	—	—	—	99	—	399	495	—	754	—	—	—	—
Belize	2,334	—	—	—	—	—	—	198	—	294	—	—	—	—	—	—	1,842
Bolivia	136,678	79,200	—	—	17,233	10,091	5,940	—	—	—	—	—	—	—	15,953	5,373	2,888
Brazil	13,559	5,940	—	—	3,605	2,899	—	—	—	—	—	—	1,115	—	—	—	—
Chile	1,708	—	—	—	—	—	—	592	—	646	—	—	470	—	—	—	—
Colombia	564,003	464,781	—	—	—	—	—	89,100	—	1,673	—	—	5,476	—	2,973	—	—
Costa Rica	1,731	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,731
Cuba	10,894	—	—	—	—	1,984	8,910	—	—	—	—	—	—	—	—	—	—
Dominican Republic	28,229	—	—	—	12,721	7,835	840	941	—	1,328	—	—	1,285	—	—	—	3,279
Eastern Caribbean	5,136	—	—	—	—	—	—	905	—	695	—	—	404	—	—	—	3,132

APPENDIX E.—Country Assistance FY 2006—Continued

($ in thousands)

Country/Account Summary	TOTAL	ACI	SEED	FSA	CSH	DA	ESF	FMF	GHAI	IMET	INCLE	MRA	NADR	PKO	PL 480	TI	OTHER
Ecuador	32,712	19,800	—	—	—	6,578	3,265	—	—	—	—	—	—	—	—	—	3,069
El Salvador	47,778	—	—	—	8,144	24,165	—	9,900	—	1,782	—	—	423	—	856	—	2,508
Guatemala	54,159	—	—	—	12,040	10,504	5,445	—	—	488	2,475	—	—	—	19,515	—	3,692
Guyana	23,846	—	—	—	—	3,920	—	99	18,000	312	—	—	—	—	—	—	1,515
Haiti	205,738	—	—	—	19,801	29,700	49,500	988	47,300	213	17,500	—	—	—	35,955	4,569	212
Honduras	53,105	—	—	—	13,140	20,604	—	891	—	1,218	—	—	315	—	13,105	—	3,832
Jamaica	17,580	—	—	—	4,472	7,821	—	594	—	908	990	—	110	—	—	—	2,685
Mexico	68,276	—	—	—	3,990	11,357	11,385	—	—	8	39,600	—	625	—	—	—	1,311
Nicaragua	50,178	—	—	—	7,699	22,169	3,366	594	—	740	—	—	9	—	13,006	—	2,595
Panama	10,423	4,455	—	—	—	200	990	990	—	894	—	—	175	—	—	—	2,719
Paraguay	13,313	—	—	—	2,884	4,385	1,980	—	—	—	—	—	1,010	—	—	—	3,054
Peru	144,340	106,920	—	—	14,213	9,369	2,765	—	—	—	—	—	205	—	8,250	—	2,618
Suriname	1,883	—	—	—	—	—	—	99	—	196	—	—	100	—	—	—	1,488
Trinidad and Tobago	234	—	—	—	—	—	—	—	—	—	—	—	234	—	—	—	—
Venezuela	5,910	2,229	—	—	—	—	—	—	—	—	—	—	—	—	—	3,681	—
Caribbean Regional	11,326	—	—	—	6,435	4,891	—	—	—	—	—	—	—	—	—	—	—
Central America Regional	16,832	—	—	—	6,167	10,665	—	—	—	—	—	—	—	—	—	—	—
Latin America and Caribbean Regional	80,055	—	—	—	8,317	71,738	—	—	—	—	—	—	—	—	—	—	—
South America Regional	1,485	—	—	—	—	1,485	—	—	—	—	—	—	—	—	—	—	—
Western Hemisphere Regional	32,955	—	—	—	—	—	26,070	3,960	—	—	2,475	—	450	—	—	—	—
Bureau of International Security and Nonproliferation	169,813	—	—	—	—	—	—	—	—	—	—	—	169,813	—	—	—	—
CTBT International Monitoring System	14,207	—	—	—	—	—	—	—	—	—	—	—	14,207	—	—	—	—
Export Control and Related Border Security Assistance	16,907	—	—	—	—	—	—	—	—	—	—	—	16,907	—	—	—	—
Global Threat Reduction (formerly NWMDE)	52,074	—	—	—	—	—	—	—	—	—	—	—	52,074	—	—	—	—

International Atomic Energy Agency Voluntary Contribution	49,500	—	—	—	—	—	—	—	—	—	—	—	49,500	—	—	—	—
Nonproliferation and Disarmament Fund	37,125	—	—	—	—	—	—	—	—	—	—	—	37,125	—	—	—	—
Bureau of Political and Military Affairs	128,311	—	—	—	—	—	—	43,065	—	4,623	—	—	18,239	62,384	—	—	—
FMF Admin	41,085	—	—	—	—	—	—	41,085	—	—	—	—	—	—	—	—	—
Military Health Affairs	1,980	—	—	—	—	—	—	1,980	—	—	—	—	—	—	—	—	—
IMET Admin	4,623	—	—	—	—	—	—	—	—	4,623	—	—	—	—	—	—	—
Global Peace Operations Initiative	43,384	—	—	—	—	—	—	—	—	—	—	—	—	43,384	—	—	—
Multinational Force and Observers	19,000	—	—	—	—	—	—	—	—	—	—	—	—	19,000	—	—	—
Humanitarian Demining Program	7,890	—	—	—	—	—	—	—	—	—	—	—	7,890	—	—	—	—
International Trust Fund	9,900	—	—	—	—	—	—	—	—	—	—	—	9,900	—	—	—	—
Small Arms/Light Weapons Destruction	449	—	—	—	—	—	—	—	—	—	—	—	449	—	—	—	—
Bureau of Population Refugees and Migration	817,740	—	—	—	—	—	4,950	—	—	—	—	783,090	—	—	—	—	29,700
Administrative Expenses	21,285	—	—	—	—	—	—	—	—	—	—	21,285	—	—	—	—	—
Humanitarian Migrants to Israel	39,600	—	—	—	—	—	—	—	—	—	—	39,600	—	—	—	—	—
Migration	12,889	—	—	—	—	—	—	—	—	—	—	12,889	—	—	—	—	—
Refugee Admissions	159,440	—	—	—	—	—	—	—	—	—	—	159,440	—	—	—	—	—
Strategic Global Priorities	66,624	—	—	—	—	—	—	—	—	—	—	66,624	—	—	—	—	—
MRA—Africa	245,486	—	—	—	—	—	—	—	—	—	—	245,486	—	—	—	—	—
MRA—East Asia	22,594	—	—	—	—	—	—	—	—	—	—	22,594	—	—	—	—	—
MRA—Europe	43,429	—	—	—	—	—	—	—	—	—	—	43,429	—	—	—	—	—
MRA—Near East	97,215	—	—	—	—	—	—	—	—	—	—	97,215	—	—	—	—	—
MRA—South Asia	50,193	—	—	—	—	—	—	—	—	—	—	50,193	—	—	—	—	—
MRA—Western Hemisphere	24,335	—	—	—	—	—	—	—	—	—	—	24,335	—	—	—	—	—
US Emergency Refugee and Migration Assistance (ERMA)	29,700	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	29,700
Wheelchair Fund (PRM)	4,950	—	—	—	—	—	4,950	—	—	—	—	—	—	—	—	—	—

APPENDIX E.—Country Assistance FY 2006—Continued

($ in thousands)

Country/Account Summary	TOTAL	ACI	SEED	FSA	CSH	DA	ESF	FMF	GHAI	IMET	INCLE	MRA	NADR	PKO	PL 480	TI	OTHER
Bureau of International Narcotics and Law Enforcement Affairs	170,550	43,830	—	—	—	—	—	—	—	—	126,720	—	—	—	—	—	—
Air Bridge Denial Program	13,860	13,860	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Critical Flight Safety Program	29,970	29,970	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Anticrime Programs	10,395	—	—	—	—	—	—	—	—	—	10,395	—	—	—	—	—	—
Civilian Police Programs	1,980	—	—	—	—	—	—	—	—	—	1,980	—	—	—	—	—	—
Demand Reduction	9,900	—	—	—	—	—	—	—	—	—	9,900	—	—	—	—	—	—
International Law Enforcement Academies	15,840	—	—	—	—	—	—	—	—	—	15,840	—	—	—	—	—	—
International Organizations	3,960	—	—	—	—	—	—	—	—	—	3,960	—	—	—	—	—	—
Interregional Aviation Support	62,865	—	—	—	—	—	—	—	—	—	62,865	—	—	—	—	—	—
Trafficking in Persons	4,950	—	—	—	—	—	—	—	—	—	4,950	—	—	—	—	—	—
Program Development and Support	16,830	—	—	—	—	—	—	—	—	—	16,830	—	—	—	—	—	—
Bureau of Democracy Human Rights and Labor	94,050	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	94,050
Democracy Fund	94,050	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	94,050
Bureau of Oceans and International Environmental and Scientific Affairs	7,920	—	—	—	—	—	7,920	—	—	—	—	—	—	—	—	—	—
Asia—Pacific Partnership	1,000	—	—	—	—	—	1,000	—	—	—	—	—	—	—	—	—	—
Oceans, Environmental and Science Initiative	6,920	—	—	—	—	—	6,920	—	—	—	—	—	—	—	—	—	—
Office to Monitor and Combat Trafficking in Persons	11,880	—	—	—	—	—	11,880	—	—	—	—	—	—	—	—	—	—
Trafficking in Persons	11,880	—	—	—	—	—	11,880	—	—	—	—	—	—	—	—	—	—
Office of the Coordinator for Counterterrorism	46,327	—	—	—	—	—	—	—	—	—	—	—	46,327	—	—	—	—
Anti-Terrorism Assistance	43,555	—	—	—	—	—	—	—	—	—	—	—	43,555	—	—	—	—

Counter Terrorism Engagement with Allies	990	—	—	—	—	—	—	—	—	—	—	—	990	—	—	—	—
Counter Terrorism Financing	1,086	—	—	—	—	—	—	—	—	—	—	—	1,086	—	—	—	—
Terrorist Interdiction Program	696	—	—	—	—	—	—	—	—	—	—	—	696	—	—	—	—
Office of the U.S. Global AIDS Coordinator	639,384	—	—	—	—	—	—	—	639,384	—	—	—	—	—	—	—	—
Central Programs	285,232	—	—	—	—	—	—	—	285,232	—	—	—	—	—	—	—	—
International Partnerships	227,700	—	—	—	—	—	—	227,700	—	—	—	—	—	—	—	—	
Other Bilateral Programs	50,552	—	—	—	—	—	—	—	50,552	—	—	—	—	—	—	—	—
Strategic Information/Evaluation	31,185	—	—	—	—	—	—	—	31,185	—	—	—	—	—	—	—	—
Technical Oversight and Management	44,715	—	—	—	—	—	—	—	44,715	—	—	—	—	—	—	—	—
USAID Functional Bureaus and Admin	2,008,355	—	—	—	778,550	294,116	20,619	—	—	—	—	—	—	—	—10,604	7,554	918,120
Democracy, Conflict, and Humanitarian Assistance (DCHA)	128,183	—	—	—	2,970	107,564	17,649	—	—	—	—	—	—	—	—	—	—
DCHA Contingency	7,554	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7,554	—
P.L. 480 Adjustment	–10,604	—	—	—	—	—	—	—	—	—	—	—	—	—	10,604	—	—
International Disaster and Famine Assistance (IDFA)	181,560	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	181,560
Economic Growth, Agriculture and Trade (EGAT)	168,968	—	—	—	—	165,998	2,970	—	—	—	—	—	—	—	—	—	—
Global Development Alliances (GDA)	12,180	—	—	—	300	11,880	—	—	—	—	—	—	—	—	—	—	—
Global Health (GH)	320,387	—	—	—	320,387	—	—	—	—	—	—	—	—	—	—	—	—
International Partnerships	452,319	—	—	—	452,319	—	—	—	—	—	—	—	—	—	—	—	—
Legislative & Public Affairs	1,801	—	—	—	—	1,801	—	—	—	—	—	—	—	—	—	—	—
Policy and Program Coordination (PPC)	9,447	—	—	—	2,574	6,873	—	—	—	—	—	—	—	—	—	—	—
USAID Development Credit Program—Subsidy	[21,000]	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[21,000]
USAID Development Credit Authority—Admin	7,920	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7,920
USAID Operating Expense	623,700	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	623,700
USAID Capital Investment Fund	69,300	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	69,300

APPENDIX E.—Country Assistance FY 2006—Continued

($ in thousands)

Country/Account Summary	TOTAL	ACI	SEED	FSA	CSH	DA	ESF	FMF	GHAI	IMET	INCLE	MRA	NADR	PKO	PL 480	TI	OTHER
USAID IG Operating Expense	35,640	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	35,640
International Organization	303,888	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	303,888
Center for Human Settlements	149	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	149
IMO Maritime Security Programs	396	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	396
International Civil Aviation Organization	941	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	941
International Conservation Programs	5,890	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5,890
International Contributions for Scientific, Educational, and Cultural Activities	990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	990
International Panel on Climate Change/UN Framework Convention on Climate Change	5,940	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5,940
Montreal Protocol Multilateral Fund	21,285	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	21,285
OAS Development Assistance Programs	4,702	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4,702
OAS Fund for Strengthening Democracy	2,475	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2,475
UN Children's Fund	125,730	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	125,730
UN Democracy Fund (UNDEF)	[10,000]	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	[10,000]
UN Development Fund for Women	3,218	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3,218
UN Development Program	108,900	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	108,900
UN Environment Program	10,159	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	10,159
UN Office for the Coordination of Humanitarian Affairs (UN OCHA)	805	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	805

UN Voluntary Fund for Technical Cooperation in the Field of Human Rights	1,485	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,485
UN Voluntary Fund for Victims of Torture	6,517	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	6,517
UNIFEM Trust Fund	1,485	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,485
World Meteorological Organization	1,881	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,881
World Trade Organization	940	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	940
Independent Department and Agencies	2,019,859	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2,019,859
African Development Foundation	22,770	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	22,770
Treasury Technical Assistance	19,800	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	19,800
Debt Restructuring	64,350	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	64,350
Export-Import Bank—Administrative Expenses	72,468	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	72,468
Export-Import Bank—Direct Loans, Negative Subsidies	—50,000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—50,000
Export-Import Bank—Inspector General	990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	990
Export-Import Bank—Loan Subsidy	74,000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	74,000
Inter-American Foundation	19,305	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	19,305
Millennium Challenge Account	1,752,300	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,752,300
OPIC—Administrative Expenses	41,851	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	41,851
OPIC—Credit Subsidy	20,073	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	20,073
OPIC—Net Offsetting Collections	—223,000	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
																	223,000
Peace Corps Other	154,561	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	154,561
Trade and Development Agency	50,391	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	50,391
International Financial Institutions	1,277,236	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,277,236

APPENDIX E.—Country Assistance FY 2006—Continued

($ in thousands)

Country/Account Summary	TOTAL	ACI	SEED	FSA	CSH	DA	ESF	FMF	GHAI	IMET	INCLE	MRA	NADR	PKO	PL 480	TI	OTHER
Global Environment Facility	79,200	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	79,200
International Development Association	940,500	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	940,500
Multilateral Investment Guarantee Agency	1,287	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,287
Asian Development Fund	99,000	—	—	—	—	—	—	—	—	—	—	—	—	—	99,000		
African Development Fund	134,343	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	134,343
African Development Bank	3,602	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3,602
European Bank for Reconstruction and Development	1,006	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,006
Enterprise for the Americas Multilateral Investment Fund	1,724	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,724
Inter-American Investment Corporation	1,724	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1,724
International Fund for Agricultural Development	14,850	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14,850

* Other: ERMA, IDFA, DF, IRRF, Peace Corps, U.S. ID administrative accounts, International Financial Institutions, International Organizations and Programs, and Independent Agencies
Note: The table includes total allocations of Foreign Operations programs and P.L. 480 Title II.

FY 2006 Supplemental
($ in thousands)

Country/Account Summary	TOTAL	CSH	DA	ESF	IDFA	INCLE	MRA	PKO	PL 480	DF	IRRF	Other*
FY 2006 SUPPLEMENTAL	2,881,030	113,000	16,500	1,681,000	217,630	107,700	75,700	178,000	350,000	22,500	5,000	114,000
Africa	589,800	—	—	50,000	66,300	—	—	121,000	350,000	2,500	—	—
Democratic Republic of the Congo—Democracy Fund	2,500	—	—	—	—	—	—	—	—	2,500	—	—
Ethiopia	21,500	—	—	—	—	—	—	—	21,500	—	—	—
Kenya	49,500	—	—	—	—	—	—	—	49,500	—	—	—
Liberia	50,000	—	—	50,000	—	—	—	—	—	—	—	—
Somalia	54,000	—	—	—	—	—	—	—	54,000	—	—	—
Sudan	407,300	—	—	—	66,300	—	—	116,000	225,000	—	—	—
Africa Regional	5,000	—	—	—	—	—	—	5,000	—	—	—	—
Near East	1,646,400	—	—	1,530,000	—	91,400	—	—	—	20,000	5,000	—
Iran—Democracy Fund	20,000	—	—	—	—	—	—	—	—	20,000	—	—
Iraq	1,571,400	—	—	1,480,000	—	91,400	—	—	—	—	—	—
Jordan	50,000	—	—	50,000	—	—	—	—	—	—	—	—
Iraq Relief and Reconstruction Fund	5,000	—	—	—	—	—	—	—	—	—	5,000	—
South and Central Asia	99,300	5,300	10,500	83,500	—	—	—	—	—	—	—	—
Afghanistan	43,000	—	—	43,000	—	—	—	—	—	—	—	—
Pakistan	56,300	5,300	10,500	40,500	—	—	—	—	—	—	—	—
Western Hemisphere	42,300	2,500	6,000	17,500	—	16,300	—	—	—	—	—	—
Colombia	16,300	—	—	—	—	16,300	—	—	—	—	—	—
Guatemala	6,000	—	6,000	—	—	—	—	—	—	—	—	—
Haiti	20,000	2,500	—	17,500	—	—	—	—	—	—	—	—
Bureau of Political and Military Affairs	57,000	—	—	—	—	—	—	57,000	—	—	—	—

FY 2006 Supplemental—Continued
($ in thousands)

Country/Account Summary	TOTAL	CSH	DA	ESF	IDFA	INCLE	MRA	PKO	PL 480	DF	IRRF	Other*
Global Peace Operations Initiative	57,000	—	—	—	—	—	—	57,000	—	—	—	—
Bureau of Population, Refugees, and Migration	75,700	—	—	—	—	—	75,700	—	—	—	—	—
Migration and Refugee Assistance (MRA)	75,700	—	—	—	—	—	75,700	—	—	—	—	—
USAID	357,530	105,200	—	—	151,330	—	—	—	—	—	—	101,000
Global Health—Avian Influenza (GH)	105,200	105,200	—	—	—	—	—	—	—	—	—	—
DCHA Contingency	151,330	—	—	—	151,330	—	—	—	—	—	—	—
USAID Operating Expenses (OE)	101,000	—	—	—	—	—	—	—	—	—	—	101,000
Department of Treasury	13,000	—	—	—	—	—	—	—	—	—	—	13,000
Treasury Technical Assistance	13,000	—	—	—	—	—	—	—	—	—	—	13,000

* Other: U.S. ID OE and Treasury Technical Assistance

APPENDIX F

UN General Assembly's Third Committee Country Resolution Votes—2006

UN General Assembly's Third Committee Country Resolution Votes—2006

	Belarus		Burma		DPRK		Iran	
	05	06	05	06	05	06	05	06
Afganistan		y		y	y	y	n	n
Albania		y		y	y	y	y	y
Algeria		n		n	a	n	n	n
Andorra		y		y	y	y	y	y
Angola		a		a	a	a	a	a
Antigua-Barbuda		a		a	a	a	a	a
Argentina		y		y	y	y	y	y
Armenia		n		y			n	n
Australia		y		y	y	y	y	y
Austria		y		y	y	y	y	y
Azerbaijan				n	y	a	n	n
Bahamas		a		a	a	a	a	a
Bahrain		a		a	a	a	n	n
Bangladesh		n		n	a	a	n	n
Barbados		a		a	a	a	a	a
Belarus		n		n	n	n	n	n
Belgium		y		y	y	y	y	y
Belize		a		a	y	y	y	y
Benin		a		a	a	a	a	a
Bhutan		a		a	y	y	a	a
Bolivia		y		y	y	y	y	a
Bosnia/Herzeg		y		y	y	y	y	a
Botswana		a		a	a	a	a	a
Brazil		a		y	y	y	a	a
Brunei Dar-Salam		a		n	a	a	n	n
Bulgaria		y		y	y	y	y	y
Burkina Faso		a		a	a	a	a	a
Burundi		a		y	a	a	a	y
Cambodia				n		a		a
Cameroon		a		a	a	a	a	a
Canada		y		y	y	y	y	y
Cape Verde		a		a		a	a	a
Central Afr Rep				a		a	a	

UN General Assembly's Third Committee Country Resolution Votes—2006—Continued

	Belarus		Burma		DPRK		Iran	
	05	06	05	06	05	06	05	06
Chad								
Chile		y		y	y	y	y	y
China		n		n	n	n	n	n
Colombia		a		a	a	a	a	a
Comoros						y		n
Congo		a		n		a		a
Costa Rica		a		a	y	a	y	a
Cote D'ivoire		a		a	a	a	a	a
Croatia		y		y	y	y	y	y
Cuba		n		n	n	n	n	n
Cyprus		y		y	y	y	y	y
Czech Republic		y		y	y	y	y	y
Dem Rep of Korea		n		n	n	n	n	n
Dem Rep of Congo		n		n	a	a	a	n
Denmark		y		y	y	y	y	y
Djibouti		a		a	a	a	n	n
Dominica								
Dominican Rep		y		y	y	y	y	y
Ecuador		a		y	y	y	y	y
Egypt		n		n	n	n	n	n
El Salvador		y		y	y	y	y	y
Equat Guinea					a		y	
Eritrea		a		a	a	a	a	a
Estonia		y		y	a	y	y	y
Ethiopia		n		a	a	a	a	a
Fiji		y		a	y	y	y	y
Finland		y		y	y	y	y	y
France		y		y	y	y	y	y
Gabon								
Gambia					n		n	
Georgia		y		y	y		a	
Germany		y		y	y	y	y	y
Ghana		a		a	a	y	a	a
Greece		y		y	y	y	y	y
Grenada								
Guatemala		y		y	y	y	y	y
Guinea		a		n	n	n	n	
Guinea-Bissau		a		a	a	y	a	
Guyana		a		a	a	a	a	a
Haiti		a		a	y	a	y	a
Honduras		y		y	y	y	y	y
Hungary		y		y	y	y	y	y
Iceland		y		y	y	y	y	y
India		n		n	a	a	n	n
Indonesia		n		n	n	n	n	n
Iran (Islamic Rep)		n		n	n	n	n	n
Iraq					y	y	a	
Ireland		y		y	y	y	y	y

UN General Assembly's Third Committee Country Resolution Votes—2006—Continued

	Belarus		Burma		DPRK		Iran	
	05	06	05	06	05	06	05	06
Israel		y		y	y	y	y	y
Italy		y		y	y	y	y	y
Jamaica		a		a	a	a	a	a
Japan		y		y	y	y	y	y
Jordan		a		a	a	a		a
Kazakhstan		n		a	y	y	n	n
Kenya		a		a	a	a	a	a
Kiribati							y	y
Kuwait		a		a	a	a	n	n
Kyrgyzstan		n		a	a	a	n	n
Lao Rep		a		n	n	n	a	a
Latvia		y		y	y	y	y	y
Lebanon		n		y		y	n	n
Lesotho		a		a	a	a	a	a
Liberia						a		
Libyan AJ		n		n	n	n	n	n
Liechtenstein		y		y	y	y	y	y
Lithuania		y		y	y	y	y	y
Luxembourg		y		y	y	y	y	y
Madagascar		a		a		a		a
Malawi		a		a		y		a
Malaysia		n		n	n	a	n	n
Maldives					y	y	n	n
Mali		a		a	a	a	a	a
Malta		y		y	y	y	y	y
Marshall Islands		y		y	y	y	y	y
Mauritania		a		a		a	n	n
Maurtius		a		y	a	a	a	a
Mexico		a		y	y	y	y	a
Micronesia (FS)		y		y	y	y	y	y
Moldova		y		y	y	y	y	y
Monaco		y		y	y	y	y	y
Mongolia		a		y			a	a
Montenegro		y		y		y		y
Morocco		n		y	a	y	n	n
Mozambique		a		a	a	a	a	a
Myanmar		n		n	n	n	n	n
Namibia		a		a	a	n	a	a
Nauru				y	y	y	y	y
Nepal		a		a	a	a	a	a
Netherlands		y		y	y	y	y	y
New Zealand		y		y	y	y	y	y
Nicaragua		y		y	y	y	y	y
Niger		a		a	a	a	n	n
Nigeria		a		a	a	a	a	a
Norway		y		y	y	y	y	y
Oman							n	n
Pakistan		n		n	a	a	n	n

UN General Assembly's Third Committee Country Resolution Votes—2006—Continued

	Belarus		Burma		DPRK		Iran	
	05	06	05	06	05	06	05	06
Palau		y		y	y	y	y	y
Panama		a		y	y	y	a	a
Papua N Guinea		a		a	y	y	y	a
Paraguay		y		y	y	y	y	y
Peru		y		y	y	y	y	y
Philippines		a		a	a	y	a	a
Poland		y		y	y	y	y	y
Portugal		y		y	y	y	y	y
Qatar		n		a	a	a	n	n
Rep of Korea		y		y	a	y	a	a
Romania		y		y	y	y	y	y
Russian Federation		n		n	n	n	n	n
Rwanda		a		a		a	a	a
St Kitts-Nevis					a			
Saint Lucia					a		n	
St Vincent-Grenedines					y		y	
Samoa		a		a	y	y	y	y
San Marino		y		y	y	y	y	y
Sao Tome Principe								
Saudi Arabia		a		a	y	y	n	n
Senegal		a		a	a	a	n	n
Serbia		y		y	y	y	y	y
Seychelles								
Sierra Leone		a		a	a	a	a	a
Singapore		a		a	a	a	a	a
Slovakia		y		y	y	y	y	y
Slovenia		y		y	y	y	y	y
Solomon Islands		a		a	a	y	y	y
Somalia							n	
South Africa		n		a	a	a	n	n
Spain		y		y	y	y	y	y
Sri Lanka		a		a	a	a	n	n
Sudan		n		n	n	n	n	n
Suriname		a		a	a	a	a	a
Swaziland		a		a	n	a	n	a
Sweden		y		y	y	y	y	y
Switzerland		y		y	y	y	y	y
Syrian AR		n		n	y	n	n	n
Tajikistan		n			n	n	n	n
Thailand		a		a	a	a	a	a
The FYR Macedonia		y		y	y	y	y	y
Timor-Leste		y		y	y	y	y	
Togo		a		a	a	n	n	n
Tonga		y		y		y	y	y
Trinidad-Tobago		a		a	a		a	
Tunisia					a		n	n
Turkey		y		y	y	y		
Turkmenistan		a		a	n	a	n	a

UN General Assembly's Third Committee Country Resolution Votes—2006—Continued

	Belarus		Burma		DPRK		Iran	
	05	06	05	06	05	06	05	06
Tuvalu		y		y	y	y	y	y
Uganda		a		a	a	a	a	a
Ukraine		y		y	y	y	y	y
U A Emirates		a		a	a	a	a	a
United Kingdom		y		y	y	y	y	y
U R Tanzania		a		a	a	a	a	a
United States		y		y	y	y	y	y
Uruguay		y		y	y	y		a
Uzbekistan		n		n	n	n	n	n
Vanuatu					a		y	y
Venezuela		n		n	n	n	n	n
Vietnam		n		n	n	n	n	n
Yemen		a		a	a	a	n	n
Zambia		a		a	a	a	a	a
Zimbabwe		n		n	n	n	n	n
Final Vote								
yes		70		79	84	91	77	70
no		31		28	22	21	51	48
abstain		67		63	62	60	46	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 an kind, such as race, colour, 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 without any limitation due to race, of any penal offence on account of nationality or religion, have the any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour 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 favourable 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 favourable 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

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